

## MEETING OF THE

# LEGISLATIVE/COMMUNICATIONS AND MEMBERSHIP COMMITTEE

SOUTHERN CALIFORNIA



**ASSOCIATION of  
GOVERNMENTS**

### **Main Office**

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### **Officers**

#### **President**

Greg Pettis, Cathedral City

#### **First Vice President**

Carl Morehouse, San Buenaventura

#### **Second Vice President**

Cheryl Viegas-Walker, El Centro

#### **Immediate Past President**

Glen Becerra, Simi Valley

### **Executive/Administration Committee Chair**

Greg Pettis, Cathedral City

### **Policy Committee Chairs**

Community, Economic and  
Human Development  
Margaret Finlay, Duarte

Energy & Environment  
James Johnson, Long Beach

Transportation  
Keith Millhouse, Ventura County  
Transportation Commission

**Tuesday, August 20, 2013**

**8:30 a.m. -10:00 a.m.**

**SCAG Offices**

**818 West 7<sup>th</sup> Street, 12<sup>th</sup> Floor**

**Policy Committee Room B**

**Los Angeles, CA 90017**

**(213) 236-1800**

### **Videoconference Available**

**Imperial SCAG Office**

**1405 N. Imperial Avenue, Suite 1  
El Centro, CA 92243**

**San Bernardino SCAG Office**

**1170 W. 3<sup>rd</sup> Street, Suite 140  
San Bernardino, CA 92418**

**Southbay Cities COG**

**South Bay Environmental Services Center**

**20285 S. Western Avenue, Suite 100  
Torrance, CA 90501**

### **Teleconference Is Available**

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Ruby Moreno at (213) 236-1840 or via email [moreno@scag.ca.gov](mailto:moreno@scag.ca.gov)

Agendas & Minutes for the Legislative/ Communications and Membership Committee are also available at:

[www.scag.ca.gov/committees](http://www.scag.ca.gov/committees)

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## **Legislative/Communications and Membership Committee**

*August 2013*

|                           |                   |
|---------------------------|-------------------|
| Pam O'Connor, District 40 | <b>Chair</b>      |
| Kris Murray, District 19  | <b>Vice-Chair</b> |

### **Member**

Barrows, Bruce  
Becerra, Glen  
Botts, Bob  
Clark, Margaret  
Daigle, Leslie  
Daniels, Gene  
Finlay, Margaret  
Martinez, Michele  
McCallon, Larry  
Mitchell, Judy  
Morton, Jim  
Nelson, Shawn  
Pettis, Greg  
Viegas-Walker, Cheryl  
Wapner, Alan

### **Representing**

District 23  
District 46  
RCTC  
District 32  
District 15  
District 24  
District 35  
District 16  
District 7  
District 40  
District 26  
Orange County  
District 2  
District 1  
SANBAG

## **TELECONFERENCE LOCATIONS:**

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Hon. Margaret Clark  
Rosemead City Hall  
8838 E Valley Blvd  
Rosemead, CA 91770

Hon. Leslie Daigle  
2202 Vista Huerta,  
Newport Beach, CA 92660

Hon. Margaret Finlay  
2221 Rim Road  
Duarte, CA 91008

Hon. Michele Martinez  
300 W. 2nd Street  
Santa Ana, CA 92701

Hon. Shawn Nelson  
Hall of Administration  
333 W. Santa Ana Blvd.  
Santa Ana, CA 92701

Hon. Alan Wapner  
Ontario City Hall  
303 E B Street  
Ontario 91764

# LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE AGENDA AUGUST 20, 2013

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*The Legislative/Communications & Membership Committee may consider and act upon any of the items listed on the agenda regardless of whether they are listed as information or action items.*

## **CALL TO ORDER & ROLL CALL**

*(Hon. Pam O'Connor, Chair)*

## **PUBLIC COMMENT PERIOD**

*Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Committee, must fill out and present a Public Comment Card to the Assistant prior to speaking. Comments will be limited to three (3) minutes per speaker provided that the Chair has the discretion to reduce this time limit based upon the number of speakers. The Chair may limit the total time for all comments to twenty (20) minutes.*

## **REVIEW AND PRIORITIZE AGENDA ITEMS**

### **CONSENT CALENDAR**

|    |                                  | <b>Page</b>         |
|----|----------------------------------|---------------------|
| 1. | Minutes of July 16, 2013 Meeting | <b>Attachment 1</b> |

### **ACTION ITEMS**

|    |   |                     |
|----|---|---------------------|
| 2. | SCAG Sponsorships and Memberships   | <b>Attachment 6</b> |
|    | <ul style="list-style-type: none"><li>• 2013 Southern California Energy Summit, October 3-4, 2013 (\$5,000)</li><li>• American Public Transportation Association (\$5,148)</li><li>• National Association of Regional Councils (\$30,000)</li></ul> |                     |
|    | <i>(Darin Chidsey, Acting Director)</i>   |                     |
| 3. | SB 592 (Lieu) - Trade promotion of California ports   | <b>Attachment 9</b> |
|    | <i>(Darin Chidsey, Acting Director)</i>   |                     |

### **INFORMATION/DISCUSSION ITEMS**

|    |  |                      |
|----|--|----------------------|
| 4. | SB 731 (Steinberg) - California Environmental Quality Act - Update | <b>Attachment 16</b> |
|    | <i>(Darin Chidsey, Acting Director)</i>                            |                      |
| 5. | AB 401 (Daly) – Transportation: design-build: streets and highways | <b>Attachment 45</b> |
|    | <i>(Darin Chidsey, Acting Director)</i>                            |                      |
| 6. | 2013 Legislative Bills of Interest                                 | <b>Attachment 75</b> |
|    | <i>(Darin Chidsey, Acting Director)</i>                            |                      |

# **LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE AGENDA AUGUST 20, 2013**

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## **INFORMATION/DISCUSSION ITEMS CONT.**

- |    |  |             |    |
|----|--|-------------|----|
| 7. | Federal & State Legislative Update<br><i>(Sharon Neely, Chief Deputy Executive Director)</i> | Oral Update |    |
| 8. | Strategy, Policy & Public Affairs Update<br><i>(Darin Chidsey, Acting Director)</i>          | Oral Update |    |
| 9. | California Legislative Matrix<br><i>(Darin Chidsey, Acting Director)</i>                     | Attachment  | 79 |

## **FUTURE AGENDA ITEMS**

Any Committee member or staff desiring to place items on a future agenda may make such a request.

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

The next meeting of the Legislative/Communications & Membership Committee is scheduled for 8:30 a.m., Tuesday, September 17, 2013 at the SCAG Los Angeles office.

**LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE  
of the  
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

**July 16, 2013  
Minutes**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN AND/OR DISCUSSIONS BY THE LEGISLATIVE/COMMUNICATIONS & MEMBERSHIP COMMITTEE. AUDIO OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S DOWNTOWN LOS ANGELES OFFICE.**

The Legislative/Communications & Membership Committee held its July 16, 2013 meeting at SCAG's downtown Los Angeles Office.

**Members Present**

Hon. Bruce Barrows, District 23  
Hon. Bob Botts, RCTC (**Videoconference**)  
Hon. Margaret Clark, District 32  
Hon. Gene Daniels, District 24  
Hon. Margaret Finlay, District 35  
Hon. Michele Martinez, District 16 (**Teleconference**)  
Hon. Larry McCallon, District 7 (**Videoconference**)  
Hon. Kris Murray, District 19  
Hon. Judy Mitchell, District 40 (**Videoconference**)  
Hon. Shawn Nelson, District 41 (**Teleconference**)  
Hon. Pam O'Connor, District 41  
Hon. Greg Pettis, District 2 (**Teleconference**)  
Hon. Cheryl Viegas-Walker, District 1 (**Videoconference**)  
Hon. Alan Wapner, District 1 (**Teleconference**)

**CALL TO ORDER**

The meeting was called to order by Councilmember Pam O'Connor at 8:35 a.m. There was a quorum.

**PUBLIC COMMENT PERIOD**

There were no public comments.

**CONSENT CALENDAR**

1. Minutes of April 16, 2013 Meeting
2. Minutes of May 21, 2013 Meeting

A motion was made (Finlay) to approve the Consent Calendar. The motion was SECONDED (Daniels) and APPROVED by roll call vote. (1-Abstain – Mitchell)

**ACTION ITEMS**

3. SCAG Sponsorships

Sharon Neely, Chief Deputy Executive Director, introduced two sponsorship items for the Committee's consideration; the first was the UCLA Lewis Center and Institute of Transportation Studies' Transportation, Land-Use, and Environment Connection Symposium. This long standing

partnership with UCLA has provided SCAG with a valuable opportunity to participate in this conference, which brings together leaders from across Southern California to discuss important transportation policy issues. The second sponsorship item up for consideration was the Coro Foundation, another SCAG partner of several years. The Coro Foundation is a management leadership training program; SCAG board members and staff have participated in this program, and staff recommends continuation of that partnership.

A motion was made (Barrows) to recommend approval of the SCAG Sponsorships. Motion was SECONDED (McCallon) and unanimously APPROVED by roll call vote.

## **INFORMATION ITEMS**

### **4. 2013 Regional Conference & General Assembly Evaluation Results**

Cheryl Viegas-Walker, Host Committee Chair, informed the LCMC of the Host Committee's meeting that reviewed the summary of the survey results provided by staff. The focus of their discussion was to use lessons learned and feedback from Conference in planning for the May 2014 conference. Councilmember Viegas-Walker highlighted several categories from the survey feedback that included exhibitor, sponsor participation, and attendee satisfaction. The overall survey feedback was very positive.

Councilmember Viegas-Walker thanked SCAG staff for their hard work on the General Assembly and is looking forward to the next year.

### **5. Update: AB 32 Scoping Plan Update & Cap-and-Trade**

Sharon Neely, Chief Deputy Executive Director, summarized activity related to the development of the AB 32 Scoping Plan by the Air Resources Board (ARB). She noted that Councilmember Judy Mitchell has been appointed by the Governor as the ARB Board Representative for Southern California. ARB will prepare later this year a revised AB 32 Scoping Plan which will evaluate how to align the State's longer-term GHG reduction strategies with other State policy priorities addressing such issues as water, waste, natural resources, clean energy and transportation, and land use. This could impact SCAG's Sustainable Communities' Strategy (SCS) goals beyond 2035. The first stakeholder input workshop on AB 32 was held by ARB in the beginning of July, and was the first of three regional workshops. Staff will keep the Committee apprised of any significant updates. Ms. Neely also noted the importance of recognizing stakeholder impacts of AB 32, a significant portion of the emission reductions mandated by this plan will be derived from the cap-and-trade program. A meeting was held with Barry Wallerstein and the business community to discuss cost benefit analysis of any pending legislation affecting cap-and-trade revenue allocation. Executive Director Hasan Ikhrata has attended the meeting and offered to provide assistance to support collaboration efforts. Councilmember Judy Mitchell also reported that updates on the cap-and-trade program are posted on the ARB website.

### **6. 2013-2014 State Budget and Trailer Bills Summary**

Sharon Neely, Chief Deputy Executive Director, reported to the Committee that the Budget and Trailer Bills report provides a summary of what was approved in the legislature and signed by the governor on the budget. President Pettis requested that AB 93: Enterprise Zones Elimination be reported on in further detail at the next Regional Council meeting. Ms. Neely updated the committee on the recent GLUE Council meeting, where the effect of the elimination of enterprise zones was discussed. The business group felt that the current legislation is too restrictive and there was potential for pending clarification amendments through a gut and amend bill would be beneficial to cities. Jeff Dunn, Senior Legislative Analyst also reported that program staff is reviewing the bill currently with respect to ascertaining how the methodology it describes in terms of identifying the census tracts and

how the tax credit provisions would apply in the SCAG region. Mr. Dunn informed that staff would provide a more comprehensive analysis and report to the Regional Council at its August meeting.

A motion was made (McCallon) to forward a recommendation to the Executive Administrative Committee and the Regional Council to work with other stakeholders and Assemblymen Chris Holden's office to seek potential amendments to AB 93. Motion was SECONDED (Finlay) and unanimously APPROVED by roll call vote.

7. AB 1290 (Speaker Perez): Transportation Planning – Update

Sharon Neely, Chief Deputy Executive Director, discussed AB 1290, which would change the composition of the California Transportation Commission (CTC), require biennial updates to the CTC on the Federal Transportation Improvement Program (FTIP) portion (first six (6) years of the 25 year program), and other SB 375 process related changes. Staff noted the author has accepted the amendments offered by the large MPOs around the state to delete the requirement of a showing of project level consistency with an adopted SCS. SCAG staff has worked with CALCOG and other agencies to seek further amendments to clarify this bill due to its financial burdensome nature, which it is estimated this legislation will cost SCAG approximately \$500,000 biennially. Ms. Neely also informed the Committee of an additional amendment proposed by the California Association of Council of Governments (CALCOG) which would look at a statewide assessment biennially to monitor and review the MPO's progress, as oppose to giving that responsibility to the CTC's for the first six (6) years. Ms. Neely noted there is a conference call this afternoon with Speaker staff to discuss these issues further. SCAG currently has a watch position on the bill.

A motion was made (Barrows) to recommend an 'oppose unless amended' position on AB 1290. Motion died.

8. SB 731 (Steinberg): California Environmental Quality Act and Sustainable Communities Strategy – Work with Author – Update

Sharon Neely, Chief Deputy Executive Director, updated the Committee of their current 'work with author' position for the amendments on SB 731. She noted that this bill is a high priority for the Board and its members due to the benefits of accelerating project delivery, and how it provides greater business certainty for project investment. This bill was reviewed at length at the GLUE Council meeting held on Monday, July 15th, in light of recent amendments to SB 731. GLUE members discussed that current bill did not provide business certainty on a four-year litigation potential exposure or sufficient acceleration and streamline revisions to the CEQA law and process. Ms. Neely directed the Committee to the documents describing additional amendment suggestions that were distributed early in the morning as a result of the GLUE Council meeting; 1) CEQA Coalition letter refuting support of SB 731, including a consideration of working with the author to accept the suggested amendments to the bill. Additional recommendations for language in the letter included having the CEQA legal thresholds to be consistent with the NEPA thresholds; 2) The LA Chamber of Commerce signed letter, including several other coalitions supporting an 'oppose unless amended' position. Several Committee members commented that SB 731 will not achieve the Board's goals, and is concerned continuing SCAG's current position of 'work with author.' Further discussion ensued regarding SCAG's next steps and the impact this legislation will have in the SCAG region.

A motion was made (McCallon) to recommend an 'oppose, unless amended' position on SB 731. Motion was SECONDED (Barrows).

A substitute motion was made (Clark) to recommend 'work with author' position and hold an emergency meeting within two to four weeks if amendments and clarifications are not accepted. Motion was SECONDED (Finlay) and APPROVED by roll call vote (NO – 2 – Barrows, Daniels)



9. Update: State and National Freight Activities

Sharon Neely, Chief Deputy Executive Director, indicated to the Committee that Executive Director Hasan Ikhrata, testified before the U.S. Congressional House Transportation & Infrastructure Committee (T&I) Freight Panel regarding ‘How Southern California Freight Challenges Impact the Nation’ on May 30, 2013. The purpose of the T&I Committee is to identify the nation’s most pressing freight transportation needs. Panel members spent three days touring the Alameda Corridor East (ACE) Corridor, the Active Corridor, the ports, the investigation site inspection of the Los Angeles World Airports (LAWA) activities, to examine full multi-modal understanding of goods movement in Southern California. Ms. Neely reported that the panel’s due diligence is an encouraging sign for a transportation funding bill, to take effect October 2014, since their recommendations will be submitted to the full House T&I Committee by November.

Additionally, Ms. Neely noted four representatives from Southern California were appointed to serve on the National Freight Advisory Committee: Kristin Decas, Executive Director at the Port of Hueneme, Genevieve Giuliano, Senior Associate Dean at U.S.C. Sol Price School of Public Policy, Fran Inman, Senior Vice President at Majestic Realty, and Bonnie Lowenthal, California State Assembly Member 70<sup>th</sup> District.

10. Federal FY 2014 Transportation and Urban Development Appropriations Summary

Sharon Neely, Chief Deputy Executive Director, directed the Committee to the report for a summary of the Transportation and Housing and Urban Development (THUD) appropriations bills. Ms. Neely reported that staff will keep the Committee updated of any new developments.

11. Federal and State Legislative Update

Sharon Neely, Chief Deputy Executive Director, briefed the Committee on a pending bill on immigration in the United States Senate. The bill has not moved in the House due to disagreement among the House leadership; the Senate version of the bill contains funding for border security, but is not clear about level of funding for transportation infrastructure for increased goods movement and immigration flow. Staff will keep the Committee updated through the legislative process. Ms. Neely also announced the possibility of a border tour for elected officials in the fall in order to increase further understanding of border challenges.

12. Strategy, Policy & Public Affairs Update

Angela Rushen, Manager of Media & Public Affairs, had no update for the LCMC.

13. California Legislative Matrix

LCMC Chair Pam O’Connor directed the members to review the attached legislative matrix.

**FUTURE AGENDA ITEMS**

None.

**ANNOUNCEMENTS**

None.

**ADJOURNMENT**

The next regular meeting of the Legislative/Communications & Membership Committee is scheduled for 8:30 am – 10:00 am, Tuesday, August 20, 2013 at the SCAG Los Angeles office.

**Reviewed by:**

A handwritten signature in black ink that reads "Sharon A. Neely". The signature is written in a cursive style with a horizontal line underneath the name.

*Sharon Neely*  
*Chief Deputy Executive Director*

# REPORT

**DATE:** August 20, 2013

**TO:** Legislative/Communications & Membership Committee (LCMC)

**FROM:** Darin Chidsey; Acting Director, Strategy, Policy & Public Affairs; (213) 236-1836; [chidsey@scag.ca.gov](mailto:chidsey@scag.ca.gov)

**SUBJECT:** SCAG Sponsorships & Memberships

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**RECOMMENDED ACTION:**

Approve.

**EXECUTIVE SUMMARY:**

*The Legislative/Communications & Membership Committee is asked to approve \$5,000 in sponsorships for: 1) 2013 Southern California Energy Summit, October 3-4, 2013, \$5,000; and \$35,148 for FY 2013/2014 memberships for: 1) American Public Transportation Association (APTA), \$5,148, and 2) National Association of Regional Councils (NARC), \$30,000.*

**STRATEGIC PLAN:**

This item supports SCAG's Strategic Plan: Goal 1: Improve Regional Decision Making by Providing Leadership and Consensus Building on Key Plans and Policies; and Goal 2: Obtain Regional Transportation infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities.

**BACKGROUND:**

*Sponsorships*

**1. 2013 Southern California Energy Summit (October 3-4, 2013) \$5,000**

The 2013 Southern California Energy Summit will be held at the Palm Springs Convention Center on October 3-4, 2013. This event unites the hub of renewable energy resources in Southern California to raise the platform of these important issues and foster collaboration. The Coachella Valley Association of Governments (CVAG) and Coachella Valley Economic Partnership (CVEP) hosted the 2012 Coachella Valley Energy Summit with over 350 attendees, including numerous State and local elected officials. As in 2012, CVAG and CVEP have decided to expand the Summit to include three counties (San Bernardino, Riverside and Imperial) and welcome new partners: Western Riverside Council of Governments (WRCOG), San Bernardino Associated Governments (SANBAG), Inland Empire Economic Partnership (IEEP) and Imperial Valley Economic Development Corporation (IVEDC).

As the administrators for the Southern California (SCAG) Clean Cities program, SCAG assumes responsibility of completion for a number of deliverables as part of the annual Department of Energy (DOE) Clean Cities Coalition (CCC) support contract. Among these deliverables includes a provision of four (4) stakeholder meetings and or outreach facilitation and events participation. In order to fulfill this portion of the outreach requirement, staff proposes extending \$5,000 from the 2012-13 DOE CCC support contract to facilitate SCAGs Clean Cities Coalition participation at the "Gold Conservation" sponsor level for the upcoming 2013 Southern California Energy Summit.

The “Gold Sponsorship” level includes:

- Name recognition and promotion as a Gold Sponsor for 2013 Energy Summit, as well as in the event program;
- Logo in select promotional materials such as event notifications and advertisements;
- Logo with a link on the Summit website;
- Logo on sponsor signage (banners and screen) at the event;
- Logo with “Gold Sponsor” listing on one side of the registration bag;
- Product or materials placement opportunities in the registration bag;
- Half-page four-color advertisement in the event program;
- One (1) “Premiere” Exhibitor booth space at the event;
- Event registration for five (5) attendees.

Exhibitor booth space at the Energy Summit would be used to promote the activities of SCAG’s CCC to meet our final outreach obligation for this year.

## ***Memberships***

SCAG’s participation and leadership in several organizations are central to the success of SCAG’s core responsibilities and funds have been included in the approved FY 2013/14 budget. They are consistent with SCAG work priorities for FY 2013/2014 as approved by the Regional Council.

### **1. American Public Transportation Association (APTA) \$5,148**

The American Public Transportation Association (APTA) is a leading force in advancing public transportation. APTA members include transit systems, government agencies, manufacturers, suppliers, consulting firms, contractors, and other business partners. To strengthen and improve public transportation, APTA serves and leads its diverse membership through advocacy, innovation, and information sharing. An annual membership, with dues for FY 2013/2014 in the amount of \$5,148, provides SCAG with access to the highest-quality tools, resources, and programs, including advocacy efforts, networking and partnership opportunities, the latest industry research and data, and professional development. These benefits are valuable in light of new requirements under the recently enacted federal transportation reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21), and will continue to be beneficial as Congress begins work on the next federal transportation reauthorization bill.

### **2. National Association of Regional Councils (NARC) \$30,000**

NARC is the leading advocate for Metropolitan Planning Organizations (MPO) based out of Washington, DC. NARC serves as the national voice for regionalism by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues. NARC’s member organizations are composed of multiple local governments that work together to serve American communities – large and small, urban and rural. They regularly provide solutions that positively impact American communities through effective inter-jurisdictional cooperation. SCAG has been an active member of NARC throughout the years and recommends continuing to do so as this organization is consistent with SCAG core responsibilities and adopted Mission.

# REPORT

The FY 2013/2014 dues are \$30,000. As a national public interest organization, NARC works with and through its members to:

- Shape federal policy that recognizes the increased value of local intergovernmental cooperation;
- Advocate effectively for the role of regional councils in the coordination, planning, and delivery of current and future federal programs;
- Provide research and analysis of key national issues and developments that impact our members; and
- Offer high quality learning and networking opportunities for regional organization through events, training, and technical assistance.

SCAG Past President Pam O'Connor is an At-Large Representative to their Board of Directors. SCAG Executive Director, Hasan Ikhata is an At-Large Representative on their Executive Directors Council. SCAG Chief Deputy Executive Director Sharon Neely serves as the Chair of their Goods Movement Subcommittee.

## **FISCAL IMPACT:**

\$5,000 for sponsorships from Project 267-1241.03 (Dept. of Energy grant) is included in the approved FY 13-14 budget.

\$35,148 for memberships are included in the approved FY 13-14 General Fund budget.

## **ATTACHMENT:**

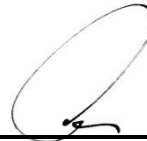
None.

**Reviewed by:**



*Acting Director, Strategy, Policy & Public Affairs*

**Reviewed by:**



*Chief Financial Officer*

# REPORT

**DATE:** August 20, 2013

**TO:** Legislative/Communications & Membership Committee (LCMC)

**FROM:** Darin Chidsey, Acting Director, Strategy, Policy & Public Affairs; (213)-236-1836;  
[chidsey@scag.ca.gov](mailto:chidsey@scag.ca.gov)

**SUBJECT:** SB 592 (Lieu): Trade promotion of California ports - SUPPORT

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## RECOMMENDED ACTION:

Support.

## EXECUTIVE SUMMARY:

*SB 592 (Lieu) is a bill to promote trade and California's ports of entry that would require the Governor's Office of Business and Economic Development (GO-Biz) to convene a statewide business partnership to discuss the promotion of California ports and to provide the Legislature with a port trade promotion strategy (Port Strategy) on or before April 1, 2014. Staff recommends support of SB 592, consistent with board adopted 2013 legislative priority to support legislation that increases exports and international trade at the ports, and help prevent the loss of international trade-related jobs in jeopardy from expanded investment by the Panama Canal.*

## STRATEGIC PLAN:

This item supports SCAG's Strategic Plan, Goal 2: Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities; Objective b) Identify and Support legislative initiatives.

## BACKGROUND:

SB 592, by Senator Ted Lieu (D-Redondo Beach) would require the Governor's Office of Business and Economic Development (GO-Biz) to convene a statewide business partnership to discuss the promotion of California ports and to provide the Legislature with a port trade promotion strategy (Port Strategy) on or before January 1, 2014.

The bill sets forth findings and declarations detailing the importance of California ports of entry and seaport facilities in the state's economy and status as a gateway for goods movement including, but not limited to the following:

- More than 40% of containerized cargo entering the United States arrived at California ports, almost 30% of total U.S. exports moved through California ports and port activities employ more than 500,000 people and generate close to \$7 billion in state and local taxes annually;
- The completion of the expansion of the Panama Canal in 2014 could possibly result in California ports losing as much as 25% of cargo business and 100,000 jobs; and
- There is a need for a Port Strategy to reflect greater port utilization and address ongoing issues related to ports and promote greater use of ports through an International Trade and Investment Strategy.

The bill requires the Governor's Office of Business and Economic Development (GO-Biz), to provide a Port Strategy for California ports to the Legislature on or before April 1, 2014, that includes (a) policy goals, objectives and recommendations necessary to implement a comprehensive port trade promotion strategy; (b) measurable outcomes and timelines for the goals, objectives and actions for promoting trade at ports; (c) impediments to achieving goals and objectives; (d) key stakeholder partnerships that will be used to implement the strategy; and (e) options for funding.

The bill further requires that GO-Biz convene a statewide business partnership that advises on the Port Strategy, on or before February 1, 2014, that includes, but is not limited to, representatives from ports of entry; ocean carriers; marine terminal operators; warehouse operators; railroads; trucking companies; labor representatives; foreign trade zones; environmental group representatives; and shippers, including agricultural exporters, manufacturers, post-consumer secondary material handlers and retailers.

## **Discussion**

The bill's authors note the state's compelling interest in the success of ports because of the significant economic benefit of jobs, personal income, business revenue, and taxes. Port activities employ more than 500,000 people in California and generate an estimated seven billion dollars in state and local taxes annually. It is estimated that nationwide over two million jobs are linked to California's ports.

Bill sponsors also recognize that Panama is currently underway with an over \$5 billion project to greatly expand the Panama Canal making it deeper and wider, raising the possibility of a significant impact on the flow of goods coming into California's ports. The project will double the capacity of the existing canal and there is concern that California ports now have to compete against one another, and expansion of the canal could potentially cause California ports to lose as much as 25% of their cargo business, which may in turn result in an impact of millions of dollars to local economies and over 100,000 jobs. Given the significance of global logistical networks to efficiently support expanded supply chains. California is potentially at an infrastructure disadvantage with the expansion of the Panama Canal in 2014. This measure requires the development of a comprehensive Port Strategy in consultation with key stakeholders including across affected economic sectors to help California compete with other international jurisdictions.

In addition, Caltrans is currently updating the Goods Movement Action Plan (GMAP), which was originally issued by the Business, Transportation, and Housing Agency and the California Environmental Protection Agency in two phases in 2005 and 2007. The GMAP was a comprehensive plan to address economic and environmental issues associated with moving goods via the state's highways, railways, and ports, and to provide guidance for allocating \$3.1 billion of the \$19.9 billion approved by voters in Proposition 1B in 2006. The new plan, known as the Freight Mobility Plan, proposed in AB 14 (Lowenthal), will focus more attention on community impact issues, take a more in-depth look at trucking, and more thoroughly identify the freight needs of portions of California that did not receive sufficient attention during implementation of the GMAP. In addition to AB 14, the Legislature is also considering AB 1081 (Medina), which would include goods movement related infrastructure identified in the Freight Mobility Plan or the Port Strategy on the state's five-year infrastructure plan. The five-year infrastructure plan provides the basis for that Legislature and the Governor to make mid- and long-term financing commitments.

SB 592 is an urgency bill providing for immediate implementation so that the state can assess and address the potential impact of the 2014 Panama Canal expansion on California ports and port-related

# REPORT

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jobs. As an urgency statute it requires 2/3<sup>rd</sup> vote threshold in both chambers to pass the legislature. The bill passed on a 7-0 vote before the Assembly Committee on Jobs, Economic Development and the Economy on August 12, 2013; SCAG's lobbyist testified at the hearing consistent with board direction and adopted 2013 legislative priorities supporting increased exports and international trade at the ports. SB 592 is a fiscal bill and, absent rule waiver must pass from fiscal committee by or before August 26, 2013. The bill must pass the Assembly and return to Senate for concurrence by or before the September 9, 2013 deadline to pass bills to the Governor.

## **Recommendation**

Staff recommends support of SB 592, consistent with board adopted 2013 legislative priority to support legislation that increases exports and international trade at the ports, and help prevent the loss of international trade-related jobs in jeopardy from expanded investment by the Panama Canal.

## **ATTACHMENT:**

- 1) SB 592



AMENDED IN ASSEMBLY JUNE 25, 2013

**SENATE BILL****No. 592****Introduced by ~~Senator~~ *Senators Price and Lieu***

February 22, 2013

An act to add Chapter 2.6 (commencing with Section 13996.85) to Part 4.7 of Division 1 of Title 2 of the Government Code, relating to trade promotion, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 592, as amended, Price. Trade promotion of California ports.

Existing law requires the Director of the Governor's Office of Business and Economic Development to provide to the Legislature, not later than February 1, 2014, a strategy for international trade and investment that, at a minimum, includes specified information, goals, objectives, and actions related to the promotion of trade.

This bill would require the Director of the Governor's Office of Business and Economic Development to provide to the Legislature, not later than April 1, 2014, a strategy for promoting trade for California ports that, at a minimum, includes specified information, objectives, goals, and recommendations. The bill would require that the strategy be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate, with copies provided to the Speaker of the Assembly, the President pro Tempore of the Senate, and the chairs of specified legislative committees. The bill would also require the Director of the Governor's Office of Business and Economic Development to convene a statewide business partnership for promotion of trade for California ports *and to explore greater utilization of California ports*, which would

be required to advise the director on establishing that trade strategy, no later than February 1, 2014, as prescribed.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.6 (commencing with Section 13996.85) is added to Part 4.7 of Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.6. TRADE PROMOTION OF CALIFORNIA PORTS

13996.85. The Legislature finds and declares as follows:

(a) International trade, which accounts for nearly 25 percent of the state's economy, relies on land ports of entry and the largest seaport facilities in the United States to maintain California's status as a major gateway for products entering and leaving the United States. This includes many goods moving through California ports, such as industrial, technology, and postconsumer secondary material originating in, or destined for other states.

(b) According to the California Marine and Intermodal Transportation System Advisory Council, more than 40 percent of the total containerized cargo entering the United States arrived at California ports, and almost 30 percent of the nation's exports flowed through ports in the Golden State. Port activities employ more than 500,000 people in California and generate an estimated seven billion dollars (\$7,000,000,000) in state and local taxes annually. Nationwide, more than 2,000,000 jobs are linked to California's public ports.

(c) The state has a compelling interest in the success of its ports because of the significant economic benefit to the state in terms of jobs, personal income, business revenue, and taxes. Ports are the vital interface between water and land transportation for trade with the Pacific Rim countries and other trade.

(d) It is expected that, by 2014, Panama will have completed the expansion of the Panama Canal, which may have a significant

1 impact on the flow of goods into the ports of California in coming  
2 years.

3 (e) There is the potential for California ports to lose as much as  
4 25 percent of their cargo business, by some estimates, after the  
5 Panama Canal expansion is completed in 2014, siphoning off  
6 millions of dollars from local economies and over 100,000 jobs.

7 (f) Due to the impending Panama Canal expansion and its  
8 potential impact on local economies and jobs, it is clear that the  
9 risk of crisis for our ports should be given high priority in  
10 developing a strategy for international trade and investment.

11 ~~(g) It is the intent of the Legislature to resolve ongoing issues~~  
12 ~~concerning our ports and promote greater use of our existing ports~~  
13 ~~by directing the Governor's Office of Business and Economic~~  
14 ~~Development to give California port utilization a high priority in~~  
15 ~~developing a strategy for international trade and investment for~~  
16 ~~the State of California.~~

17 13996.86. (a) The Director of the Governor's Office of  
18 Business and Economic Development shall provide to the  
19 Legislature, not later than April 1, 2014, a strategy for promoting  
20 trade for California ports that, at a minimum, includes all of the  
21 following:

22 (1) Policy goals, objectives, and recommendations necessary  
23 to implement a comprehensive plan for promoting ~~trade for greater~~  
24 *use of* California ports. This information shall be provided in a  
25 fashion that clearly indicates priorities within the overall strategy.

26 (2) Measurable outcomes anticipated and timelines for the goals,  
27 objectives, and actions to be taken for promoting ~~trade for greater~~  
28 *use of* California ports.

29 (3) Identification of impediments to achieving goals and  
30 objectives.

31 (4) Identification of key stakeholder partnerships that will be  
32 used in implementing the strategy.

33 (5) Identification of funding options for implementing  
34 recommended actions.

35 (b) The strategy shall be submitted to the Chief Clerk of the  
36 Assembly and the Secretary of the Senate. A copy of the strategy  
37 shall be provided to the Speaker of the Assembly, the President  
38 pro Tempore of the Senate, and the chairs of the Assembly  
39 Committee on Jobs, Economic Development, and the Economy  
40 and the Senate Committee on Business, Professions and Economic

1 Development, or the successor committees with jurisdiction over  
2 international trade and economic development programs.

3 13996.87. The Director of the Governor's Office of Business  
4 and Economic Development shall convene a statewide business  
5 partnership for promotion of trade for California ports *and to*  
6 *explore greater utilization of California ports*, no later than  
7 February 1, 2014, as follows:

8 (a) The business partnership shall include, but is not limited to,  
9 representatives from ports of entry, ocean carriers, marine terminal  
10 operators, warehouse operators, railroads, trucking companies,  
11 labor representatives, and foreign trade zones, representatives of  
12 environmental groups, and shippers, specifically including  
13 agricultural exporters, manufacturers, postconsumer secondary  
14 material handlers, and retailers.

15 (b) The business partnership shall advise the Director of the  
16 Governor's Office of Business and Economic Development on  
17 establishing the strategy for promoting trade for California ports  
18 while increasing the use of California ports of entry, and ways to  
19 increase the opportunity for growth and trade activity.

20 SEC. 2. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety within  
22 the meaning of Article IV of the Constitution and shall go into  
23 immediate effect. The facts constituting the necessity are:

24 In order to ensure that California has identified the impact that  
25 the Panama Canal expansion may have on California ports and  
26 trade-related jobs, infrastructure, and activity prior to the 2014  
27 opening of a new shipping lane through the canal, and the state is  
28 able to efficiently promote trade for California ports on a timely  
29 basis, it is necessary that this act take effect immediately.

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# REPORT

**DATE:** August 20, 2013

**TO:** Legislative/Communications & Membership Committee (LCMC)

**FROM:** Darin Chidsey, Acting Director, Strategy, Policy & Public Affairs; (213)-236-1836; [chidsey@scag.ca.gov](mailto:chidsey@scag.ca.gov)

**SUBJECT:** SB 731 (Steinberg): California Environmental Quality Act – Update

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## RECOMMENDED ACTION:

For information only; no action required.

## EXECUTIVE SUMMARY:

*As reported at the August 1, 2013 Regional Council meeting, SB 731 was substantially amended following the action taken by the Regional Council to 'Work With Author' at its April 4, 2013 meeting. Since August 1, 2013, the bill has been amended again. This report summarizes the present text of the legislation and the current actions taking place related to this bill. Staff will continue to monitor and advise the committee of any significant developments to the bill.*

## STRATEGIC PLAN:

This item supports SCAG's Strategic Plan, Goal 2: Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities; Objective b) Identify and Support legislative initiatives.

## BACKGROUND:

The Regional Council has adopted as a high state legislative priority for the current state legislative session to work with the Legislative Leadership to seek CEQA modernization legislation. This goal to expedite project delivery and provide business certainty while at the same time ensuring environmental mitigation is met. A summary of SB 731 was provided to the Legislative Communications and Membership Committee at its July 16, 2013 meeting, and to the Regional Council at its August 1, 2013 meeting, reflecting bill provisions existing as of the May 24, 2013 amendments.

On August 6, 2013, the bill was again amended for clarification in the following areas:

- Revises the requirement that the Governor's Office of Planning and Research (OPR), to propose revisions to the CEQA Guidelines to establish thresholds of significance (to determine if an environmental effect justifies preparation of an EIR) for noise and transportation impacts of residential, mixed-use residential, or employment center projects or infill sites within transit priority areas. The amendment removes the requirement to establish threshold for parking impacts and adds infill sites, as defined by the bill;
- Defines "Infill Site" as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improve public right-of-way from, parcels that are developed with qualified urban uses;
- Defines "employment center project" as a project located on property zoned for commercial uses, with a floor area ratio of no less than 0.75, and is located within a transit priority area – the prior language specifying it must be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan is stricken;

# REPORT

- Clarifies that "transit priority area" as an area within one-half mile of a major transit stop that is either existing or planned, if the planned stop is scheduled to be completed with the planning horizon included in a Transportation Improvement Program adopted pursuant to §450.216 or §450.322 of Title 23 of the Code of Federal Regulations;
- Provides, in addition to "aesthetic" impacts, that also parking impacts of projects shall not be considered significant impacts on the environment for purposes of CEQA, while also stating that the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers are not affected.
- Requires that the California Research Bureau, rather than the Attorney General, report annually to the legislature regarding actions or proceedings brought pursuant to this division.

As reported to the Regional Council earlier this month, SCAG's Global Land-Use Economic (GLUE) Council at its last meeting recommended to work towards further amendments to SB 731 that reduce time of litigation exposure, ensure transparency of who is litigating and also further clarification on accelerating project delivery. These clarifications include adding provisions to create new categories of priority projects within a Sustainable Communities' Strategies (SCS) subject to an expedited review process, as well as changes to the CEQA related to entities' standing to initiate litigation to conform to the National Environmental Quality Act (NEPA) thresholds to sue. Additionally, this committee recommended that in addition to these and other policy suggestions provided by the statewide CEQA working group, that SCAG urge the author to remove current provisions of the bill that would enhance reporting requirements of a lead agency like SCAG which are in addition to current CEQA requirements and which are presently unfunded in the bill, including the provision to annually report and document compliance with mitigation measures. Neither of these issues are addressed by the August 6, 2013 amendatory language.

SB 731 passed out of the Assembly Committee on Local Government by 5-0 vote with 3 abstentions. As a fiscal bill, it must pass fiscal committee by the August 26, 2013 deadline. Because it has been amended in the 2<sup>nd</sup> House, the bill should it pass the Assembly must return to the Senate for concurrence. President Pro Tem indicated that he is considering further amendments. Deadline to pass both chambers is September 13, 2013.

President Pro Tempore Steinberg is scheduled to meet with the Southern California Leadership Council on Friday, August 23, 2013, to discuss CEQA reform and other issues with public and private sector leaders throughout the region. Recommendations of the CEQA Working Group will be addressed with the Senator at that meeting. Staff will continue to keep the committee advised of significant developments to this important bill.

## **ATTACHMENT:**

- 1) SB 731

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 731**

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**Introduced by Senators Steinberg and Hill**

February 22, 2013

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An act to amend, repeal, and add Section 705 of the Fish and Game Code, to amend Section 65457 of the Government Code, and to amend Sections ~~21080~~, *21081*, 21081.5, 21081.6, 21167, 21167.6, 21167.7, and 21168.9 of, to add Sections 21167.6.2 and 21167.6.3 to, and to add Chapter 2.7 (commencing with Section 21099) to Division 13 of, the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Steinberg. Environment: California Environmental Quality Act and sustainable communities strategy. *Act.*

(1) The California Environmental Quality Act, or CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, or EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the Office of Planning and Research to

develop and prepare, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA by public agencies. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. CEQA establishes time periods within which a person is required to bring a judicial action or proceeding to challenge a public agency's action taken pursuant to CEQA.

This bill would provide that aesthetic *and parking* impacts of a residential, mixed-use residential, or employment center project, as defined, *on an infill site, as defined*, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the office to prepare ~~and propose~~, and *submit to* the Secretary of the Natural Resources Agency, *and the secretary* to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for ~~noise~~, *noise* and ~~for the transportation and parking~~ impacts of residential, mixed-use residential, or employment center projects within transit priority areas. The bill would require the lead agency, in making specified findings, to make those findings available to the public at least 15 days prior to the approval of the proposed project and to provide specified notice of the availability of the findings for public review. Because the bill would require the lead agency to make the draft finding available for public review and to provide specified notices to the public, this bill would impose a state-mandated local program. The bill would require the lead agency, at the request of a project applicant for specified projects, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. The bill would authorize the tolling of the time period in which a person is required to bring a judicial action or proceeding challenging a public agency's action taken pursuant to CEQA through a tolling agreement that does not exceed 4 years. The bill would authorize the extension of the tolling agreement.

(2) For mitigation measures required pursuant to an EIR or a mitigated negative declaration, CEQA requires the lead agency to adopt a reporting and monitoring program to ensure compliance with those required mitigation measures during project implementation.



This bill would require the lead agency, as a part of the mitigation and monitoring plan, to prepare or cause to be prepared an annual report on project compliance with the required mitigation measures that is publicly available online. Because the lead agency would be required to prepare and make available this report, this bill would impose a state-mandated local program.

(3) Existing law exempts from the requirements of CEQA residential development projects that are undertaken to implement, and are consistent with a specific plan for which an EIR has been certified after January 1, 1980. Existing law provides that this exemption does not apply if, after the certification of the EIR, a specified event occurs, unless a supplemental EIR for the specified plan is prepared and certified.

This bill would specify that the event does not include new information consisting solely of argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are caused by, physical impacts on the environment.

(4) CEQA requires the court, if the court finds that a public agency has violated the requirements of CEQA, to issue an order containing specified mandates.

This bill would require the court to issue *an order that includes* a peremptory writ of mandate specifying actions that a public agency needs to take to comply with the requirements of CEQA. The bill would require the writ to specify the time by which the public agency is to file an initial return to a writ containing specified information. Because a public agency would be required to file an initial return to a writ, this bill would impose a state-mandated local program.

(5) CEQA requires every person bringing an action or proceeding alleging a violation of CEQA to furnish to the Attorney General a copy of the pleading within 10 days after filing and a copy of any amended or supplemental pleading.

This bill would require the ~~Attorney General~~ *California Research Bureau, subject to the availability of funding and of information*, to annually submit to the Legislature a report containing specified information on CEQA litigation in the state.

(6) Existing law requires the regional transportation plan for regions of the state with a metropolitan planning organization to each adopt a sustainable communities strategy, as part of their regional transportation plan, as specified, designed to achieve certain goals for the reduction

of greenhouse gas emissions from automobiles and light trucks in a region. Existing law establishes the Strategic Growth Council to manage and award grants and loans to support the planning and development of sustainable communities strategies.

This bill would state the intent of the Legislature to appropriate \$30,000,000 annually by the council for the purposes of providing competitive grants to local agencies for planning activities for the implementation of the sustainable communities strategy.

(7) This bill would, until January 1, 2017, establish in the office of the Governor the position of Advisor on Renewable Energy Facilities.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—(a) It is the intent of the Legislature to enact~~  
2     ~~legislation to adopt provisions of Chapter 3 (commencing with~~  
3     ~~Section 15000) of Division 6 of Title 14 of the California Code of~~  
4     ~~Regulations (CEQA Guidelines) that are intended to provide greater~~  
5     ~~certainty for smart infill development, such as Section 15183.3 of~~  
6     ~~the CEQA Guidelines and related appendices that implement~~  
7     ~~Chapter 469 of the Statutes of 2011. It is further the intent of the~~  
8     ~~Legislature to explore amendments to expand the definition of~~  
9     ~~“infill” and to accommodate infill development in the Central~~  
10    ~~Valley.~~

11    ~~(b) It is the intent of the Legislature to explore amendments to~~  
12    ~~the California Environmental Quality Act (Division 13~~  
13    ~~(commencing with Section 21000) of the Public Resources Code);~~  
14    ~~to further streamline the law for renewable energy projects;~~  
15    ~~advanced manufacturing projects, transit, bike, and pedestrian~~  
16    ~~projects, and renewable energy transmission projects.~~

(e)

*SECTION 1. (a) (1) It is the intent of the Legislature to update CEQA the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to establish a threshold thresholds of significance for noise, aesthetics, parking, noise and traffic levels of service, and thresholds relating to these land use impacts, so that projects meeting those thresholds are not subject to further environmental review for those environmental impacts. It is further the intent of the Legislature to review other similar land use related impacts to determine if other thresholds of significance can be set transportation impacts for transit-oriented infill projects.*

(2) It is not the intent of the Legislature to affect the authority, consistent with CEQA, for a local agency to impose its own, more stringent thresholds.

(3) ~~It is not the intent of the Legislature to replace full CEQA analysis with state or local standards, with the exception of the land use standards described in paragraph (1).~~

(d)

(b) It is the intent of the Legislature to amend Section ~~65456, 65457~~ of the Government Code, which exempts from CEQA the California Environmental Quality Act projects undertaken pursuant to a specific plan for which an ~~EIR~~ environmental impact report has been prepared, unless conditions specified under Section 21166 of the Public Resources Code have occurred, to define with greater specificity what “new information” means, and to avoid duplicative CEQA review undertaken pursuant to the California Environmental Quality Act for projects and activities that comply with that plan. ~~It is further the intent of the Legislature to review the possibility of defining other types of plans to determine if similar treatment could be applied to those plans or portions of those plans that are consistent with sustainable communities strategies adopted pursuant to Section 65080 of the Government Code or that have had a certified EIR within the past five years.~~

(e)

(c) It is the intent of the Legislature to enact amendments to Section 21168.9 to establish clearer procedures for a trial court to remand to a lead agency for remedying only those portions of an ~~EIR~~ environmental impact report, negative declaration, or mitigated negative declaration found to be in violation of CEQA,

1 *the California Environmental Quality Act*, while retaining those  
2 portions that are not in violation so that the violations can be  
3 corrected, recirculated for public comment, and completed more  
4 efficiently and expeditiously. It is further the intent of the  
5 Legislature to explore options *specify the circumstances* under  
6 which a court could allow project approvals to remain in place,  
7 and for projects to proceed.

8 ~~(f) It is the intent of the Legislature to amend Section 21091 of~~  
9 ~~the Public Resources Code and related provisions of law to~~  
10 ~~establish clear statutory rules under which “late hits” and~~  
11 ~~“document dumps” are prohibited or restricted prior to certification~~  
12 ~~of an EIR, if a project proponent or lead agency has not~~  
13 ~~substantively changed the draft EIR or substantively modified the~~  
14 ~~project.~~

15 ~~(g) It is the intent of the Legislature to provide \$30 million~~  
16 ~~annually to the Strategic Growth Council for the purposes of~~  
17 ~~providing planning incentive grants to local and regional agencies~~  
18 ~~to update and implement general plans, sustainable communities~~  
19 ~~strategies, and smart growth plans pursuant to Chapter 728 of the~~  
20 ~~Statutes of 2008.~~

21 SEC. 2. This act shall be known, and may be cited, as the  
22 CEQA Modernization Act of 2013.

23 SEC. 3. Section 705 of the Fish and Game Code is amended  
24 to read:

25 705. (a) For purposes of this section, “eligible renewable  
26 energy resources” has the same meaning as in the California  
27 Renewables Portfolio Standard Program (Article 16 (commencing  
28 with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the  
29 Public Utilities Code).

30 (b) The department shall establish an internal division with the  
31 primary purpose of performing comprehensive planning and  
32 environmental compliance services with priority given to projects  
33 involving the building of eligible renewable energy resources.

34 (c) The internal division shall ensure the timely completion of  
35 plans pursuant to the Natural Community Conservation Planning  
36 Act (Chapter 10 (commencing with Section 2800) of Division 3).

37 (d) The position of Advisor on Renewable Energy Facilities is  
38 hereby established in the office of the Governor.

1 (e) This section shall remain in effect only until January 1, 2017,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2017, deletes or extends that date.

4 SEC. 4. Section 705 is added to the Fish and Game Code, to  
5 read:

6 705. (a) For purposes of this section, “eligible renewable  
7 energy resources” has the same meaning as in the California  
8 Renewables Portfolio Standard Program (Article 16 (commencing  
9 with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the  
10 Public Utilities Code).

11 (b) The department shall establish an internal division with the  
12 primary purpose of performing comprehensive planning and  
13 environmental compliance services with priority given to projects  
14 involving the building of eligible renewable energy resources.

15 (c) The internal division shall ensure the timely completion of  
16 plans pursuant to the Natural Community Conservation Planning  
17 Act (Chapter 10 (commencing with Section 2800) of Division 3).

18 (d) This section shall become operative on January 1, 2017.

19 SEC. 5. Section 65457 of the Government Code is amended  
20 to read:

21 65457. (a) A residential development project, including any  
22 subdivision, or any zoning change that is undertaken to implement,  
23 and is consistent with, a specific plan for which an environmental  
24 impact report has been certified after January 1, 1980, is exempt  
25 from the requirements of Division 13 (commencing with Section  
26 21000) of the Public Resources Code. However, if after adoption  
27 of the specific plan, an event as specified in Section 21166 of the  
28 Public Resources Code occurs, the exemption provided by this  
29 subdivision does not apply unless and until a supplemental  
30 environmental impact report for the specific plan is prepared and  
31 certified in accordance with the provisions of Division 13  
32 (commencing with Section 21000) of the Public Resources Code.  
33 After a supplemental environmental impact report is certified, the  
34 exemption specified in this subdivision applies to projects  
35 undertaken pursuant to the specific plan.

36 (b) An action or proceeding alleging that a public agency has  
37 approved a project pursuant to a specific plan without having  
38 previously certified a supplemental environmental impact report  
39 for the specific plan, where required by subdivision (a), shall be

1 commenced within 30 days of the public agency's decision to carry  
2 out or approve the project.

3 (c) For the purposes of this section, "an event as specified in  
4 Section 21166 of the Public Resources Code" does not include  
5 any new information consisting solely of argument, speculation,  
6 unsubstantiated opinion or narrative, evidence that is clearly  
7 inaccurate or erroneous, or evidence of social or economic impacts  
8 that do not contribute to, or are *not* caused by, physical impacts  
9 on the environment.

10 ~~SEC. 6. Section 21080 of the Public Resources Code is~~  
11 ~~amended to read:~~

12 ~~21080. (a) Except as otherwise provided in this division, this~~  
13 ~~division shall apply to discretionary projects proposed to be carried~~  
14 ~~out or approved by public agencies, including, but not limited to,~~  
15 ~~the enactment and amendment of zoning ordinances, the issuance~~  
16 ~~of zoning variances, the issuance of conditional use permits, and~~  
17 ~~the approval of tentative subdivision maps unless the project is~~  
18 ~~exempt from this division.~~

19 ~~(b) This division does not apply to any of the following~~  
20 ~~activities:~~

21 ~~(1) Ministerial projects proposed to be carried out or approved~~  
22 ~~by public agencies.~~

23 ~~(2) Emergency repairs to public service facilities necessary to~~  
24 ~~maintain service.~~

25 ~~(3) Projects undertaken, carried out, or approved by a public~~  
26 ~~agency to maintain, repair, restore, demolish, or replace property~~  
27 ~~or facilities damaged or destroyed as a result of a disaster in a~~  
28 ~~disaster-stricken area in which a state of emergency has been~~  
29 ~~proclaimed by the Governor pursuant to Chapter 7 (commencing~~  
30 ~~with Section 8550) of Division 1 of Title 2 of the Government~~  
31 ~~Code.~~

32 ~~(4) Specific actions necessary to prevent or mitigate an~~  
33 ~~emergency.~~

34 ~~(5) Projects which a public agency rejects or disapproves.~~

35 ~~(6) Actions undertaken by a public agency relating to any~~  
36 ~~thermal powerplant site or facility, including the expenditure,~~  
37 ~~obligation, or encumbrance of funds by a public agency for~~  
38 ~~planning, engineering, or design purposes, or for the conditional~~  
39 ~~sale or purchase of equipment, fuel, water (except groundwater),~~  
40 ~~steam, or power for a thermal powerplant, if the powerplant site~~

1 and related facility will be the subject of an environmental impact  
2 report, negative declaration, or other document, prepared pursuant  
3 to a regulatory program certified pursuant to Section 21080.5;  
4 which will be prepared by the State Energy Resources Conservation  
5 and Development Commission, by the Public Utilities Commission,  
6 or by the city or county in which the powerplant and related facility  
7 would be located if the environmental impact report, negative  
8 declaration, or document includes the environmental impact, if  
9 any, of the action described in this paragraph.

10 (7) Activities or approvals necessary to the bidding for, hosting  
11 or staging of, and funding or carrying out of, an Olympic games  
12 under the authority of the International Olympic Committee, except  
13 for the construction of facilities necessary for the Olympic games.

14 (8) The establishment, modification, structuring, restructuring,  
15 or approval of rates, tolls, fares, or other charges by public agencies  
16 which the public agency finds are for the purpose of (A) meeting  
17 operating expenses, including employee wage rates and fringe  
18 benefits, (B) purchasing or leasing supplies, equipment, or  
19 materials, (C) meeting financial reserve needs and requirements,  
20 (D) obtaining funds for capital projects necessary to maintain  
21 service within existing service areas, or (E) obtaining funds  
22 necessary to maintain those intracity transfers as are authorized  
23 by city charter. The public agency shall incorporate written findings  
24 in the record of any proceeding in which an exemption under this  
25 paragraph is claimed setting forth with specificity the basis for the  
26 claim of exemption.

27 (9) All classes of projects designated pursuant to Section 21084.

28 (10) A project for the institution or increase of passenger or  
29 commuter services on rail or highway rights-of-way already in  
30 use, including modernization of existing stations and parking  
31 facilities.

32 (11) A project for the institution or increase of passenger or  
33 commuter service on high-occupancy vehicle lanes already in use,  
34 including the modernization of existing stations and parking  
35 facilities.

36 (12) Facility extensions not to exceed four miles in length which  
37 are required for the transfer of passengers from or to exclusive  
38 public mass transit guideway or busway public transit services.

39 (13) A project for the development of a regional transportation  
40 improvement program, the state transportation improvement

1 program, or a congestion management program prepared pursuant  
2 to Section 65089 of the Government Code.

3 ~~(14) Any project or portion thereof located in another state~~  
4 ~~which will be subject to environmental impact review pursuant to~~  
5 ~~the National Environmental Policy Act of 1969 (42 U.S.C. Sec.~~  
6 ~~4321 et seq.) or similar state laws of that state. Any emissions or~~  
7 ~~discharges that would have a significant effect on the environment~~  
8 ~~in this state are subject to this division.~~

9 ~~(15) Projects undertaken by a local agency to implement a rule~~  
10 ~~or regulation imposed by a state agency, board, or commission~~  
11 ~~under a certified regulatory program pursuant to Section 21080.5.~~  
12 ~~Any site-specific effect of the project which was not analyzed as~~  
13 ~~a significant effect on the environment in the plan or other written~~  
14 ~~documentation required by Section 21080.5 is subject to this~~  
15 ~~division.~~

16 ~~(e) If a lead agency determines that a proposed project, not~~  
17 ~~otherwise exempt from this division, would not have a significant~~  
18 ~~effect on the environment, the lead agency shall adopt a negative~~  
19 ~~declaration to that effect. The negative declaration shall be prepared~~  
20 ~~for the proposed project in either of the following circumstances:~~

21 ~~(1) There is no substantial evidence, in light of the whole record~~  
22 ~~before the lead agency, that the project may have a significant~~  
23 ~~effect on the environment.~~

24 ~~(2) An initial study identifies potentially significant effects on~~  
25 ~~the environment, but (A) revisions in the project plans or proposals~~  
26 ~~made by, or agreed to by, the applicant before the proposed~~  
27 ~~negative declaration and initial study are released for public review~~  
28 ~~would avoid the effects or mitigate the effects to a point where~~  
29 ~~clearly no significant effect on the environment would occur, and~~  
30 ~~(B) there is no substantial evidence, in light of the whole record~~  
31 ~~before the lead agency, that the project, as revised, may have a~~  
32 ~~significant effect on the environment.~~

33 ~~(d) If there is substantial evidence, in light of the whole record~~  
34 ~~before the lead agency, that the project may have a significant~~  
35 ~~effect on the environment, an environmental impact report shall~~  
36 ~~be prepared.~~

37 ~~(e) (1) For the purposes of this section and this division,~~  
38 ~~substantial evidence includes fact, a reasonable assumption~~  
39 ~~predicated upon fact, or expert opinion supported by fact.~~



1 ~~(2) Substantial evidence is not argument, speculation,~~  
2 ~~unsubstantiated opinion or narrative, evidence that is clearly~~  
3 ~~inaccurate or erroneous, or evidence of social or economic impacts~~  
4 ~~that do not contribute to, or are not caused by, physical impacts~~  
5 ~~on the environment.~~

6 ~~(f) As a result of the public review process for a mitigated~~  
7 ~~negative declaration, including administrative decisions and public~~  
8 ~~hearings, the lead agency may conclude that certain mitigation~~  
9 ~~measures identified pursuant to paragraph (2) of subdivision (e)~~  
10 ~~are infeasible or otherwise undesirable. In those circumstances,~~  
11 ~~the lead agency, prior to approving the project, may delete those~~  
12 ~~mitigation measures and substitute for them other mitigation~~  
13 ~~measures that the lead agency finds, after holding a public hearing~~  
14 ~~on the matter, are equivalent or more effective in mitigating~~  
15 ~~significant effects on the environment to a less than significant~~  
16 ~~level and that do not cause any potentially significant effect on the~~  
17 ~~environment. If those new mitigation measures are made conditions~~  
18 ~~of project approval or are otherwise made part of the project~~  
19 ~~approval, the deletion of the former measures and the substitution~~  
20 ~~of the new mitigation measures shall not constitute an action or~~  
21 ~~circumstance requiring recirculation of the mitigated negative~~  
22 ~~declaration.~~

23 ~~(g) This section does not preclude a project applicant or any~~  
24 ~~other person from challenging, in an administrative or judicial~~  
25 ~~proceeding, the legality of a condition of project approval imposed~~  
26 ~~by the lead agency. If, however, any condition of project approval~~  
27 ~~set aside by either an administrative body or court was necessary~~  
28 ~~to avoid or lessen the likelihood of the occurrence of a significant~~  
29 ~~effect on the environment, the lead agency's approval of the~~  
30 ~~negative declaration and project shall be invalid and a new~~  
31 ~~environmental review process shall be conducted before the project~~  
32 ~~can be reapproved, unless the lead agency substitutes a new~~  
33 ~~condition that the lead agency finds, after holding a public hearing~~  
34 ~~on the matter, is equivalent to, or more effective in, lessening or~~  
35 ~~avoiding significant effects on the environment and that does not~~  
36 ~~cause any potentially significant effect on the environment.~~

37 ~~(h) A project applicant for a renewable energy project may~~  
38 ~~present to the public agency, orally or in writing, the benefits onsite~~  
39 ~~or offsite of the project, including, but not limited to, measures~~  
40 ~~that will mitigate greenhouse gas emissions resulting from the~~

1 ~~project or measures that will significantly reduce traffic, improve~~  
2 ~~air quality or replace higher emitting energy sources, and other~~  
3 ~~significant environmental or public health impacts.~~

4 *SEC. 6. Section 21081 of the Public Resources Code is*  
5 *amended to read:*

6 21081. (a) Pursuant to the policy stated in Sections 21002  
7 and 21002.1, ~~no~~ a public agency shall *not* approve or carry out a  
8 project for which an environmental impact report has been certified  
9 ~~which~~ *that* identifies one or more significant effects on the  
10 environment that would occur if the project is approved or carried  
11 ~~out~~ *out*, unless both of the following occur:

12 (a)

13 (1) The public agency makes one or more of the following  
14 findings with respect to each significant effect:

15 (1)

16 (A) Changes or alterations have been required in, or incorporated  
17 into, the project ~~which~~ *that* mitigate or avoid the significant effects  
18 on the environment.

19 (2)

20 (B) Those changes or alterations are within the responsibility  
21 and jurisdiction of another public agency and have been, or can  
22 and should be, adopted by that other agency.

23 (3)

24 (C) Specific economic, legal, social, technological, or other  
25 considerations, including considerations for the provision of  
26 employment opportunities for highly trained workers, make  
27 infeasible the mitigation measures or alternatives identified in the  
28 environmental impact report.

29 (b)

30 (2) With respect to significant effects ~~which~~ *that* were subject  
31 to a finding under *subparagraph (C) of paragraph (3) of subdivision*  
32 ~~(a) (1)~~, the public agency finds that specific overriding economic,  
33 legal, social, technological, or other benefits of the project outweigh  
34 the significant effects on the environment.

35 (b) *A project applicant for a renewable energy project may*  
36 *present to the public agency, orally or in writing, the benefits onsite*  
37 *or offsite of the project, including, but not limited to, measures*  
38 *that will mitigate greenhouse gas emissions resulting from the*  
39 *project or measures that will significantly reduce traffic, improve*

1 *air quality or replace higher emitting energy sources, and other*  
2 *significant environmental or public health impacts.*

3 SEC. 7. Section 21081.5 of the Public Resources Code is  
4 amended to read:

5 21081.5. (a) In making the findings required by paragraph (3)  
6 of subdivision (a) of, and subdivision (b) of, Section 21081, the  
7 public agency shall base its findings on substantial evidence in the  
8 record. Those findings shall be made available in draft form for  
9 review by the members of the public for at least 15 days prior to  
10 approval of the proposed project.

11 (b) To make the draft findings available to the members of the  
12 public for the purposes of subdivision (a), the lead agency shall  
13 provide a notice of availability of the findings for review ~~either~~ at  
14 the lead agency's office during normal business hours ~~and online~~  
15 through all of the following mechanisms:

16 (1) Publication in a newspaper of general circulation in the area  
17 affected by the proposed project. If more than one area will be  
18 affected, the notice shall be published in the newspaper with the  
19 largest circulation from among the newspapers of general  
20 circulation in those areas.

21 (2) By electronic mail, if available, and mail to the last known  
22 name and address of all individuals and organizations that have  
23 submitted timely comments on the draft environmental impact  
24 report.

25 (3) By electronic mail, if available, and mail to responsible and  
26 trustee agencies that have submitted timely comments on the draft  
27 environmental impact report.

28 (4) By electronic mail, if available, and mail to the project  
29 applicant, if different from the lead agency, and the applicant's  
30 duly authorized agent.

31 (5) By electronic mail, if available, and mail to a person who  
32 has filed a written request for notice with the clerk of the governing  
33 body, if there is no governing body, the director of the agency.

34 SEC. 8. Section 21081.6 of the Public Resources Code is  
35 amended to read:

36 21081.6. (a) When making the findings required by paragraph  
37 (1) of subdivision (a) of Section 21081 or when adopting a  
38 mitigated negative declaration pursuant to paragraph (2) of  
39 subdivision (c) of Section 21080, the following requirements shall  
40 apply:

1 (1) The public agency shall adopt a reporting or monitoring  
2 program for the changes made to the project or conditions of  
3 project approval, adopted in order to mitigate or avoid significant  
4 effects on the environment. The reporting or monitoring program  
5 shall be designed to ensure compliance during project  
6 implementation. For those changes which have been required or  
7 incorporated into the project at the request of a responsible agency  
8 or a public agency having jurisdiction by law over natural resources  
9 affected by the project, that agency shall, if so requested by the  
10 lead agency or a responsible agency, prepare and submit a proposed  
11 reporting or monitoring program.

12 (2) The lead agency shall specify the location and custodian of  
13 the documents or other material which constitute the record of  
14 proceedings upon which its decision is based.

15 (b) A public agency shall provide that measures to mitigate or  
16 avoid significant effects on the environment are fully enforceable  
17 through permit conditions, agreements, or other measures.  
18 Conditions of project approval may be set forth in referenced  
19 documents which address required mitigation measures or, in the  
20 case of the adoption of a plan, policy, regulation, or other public  
21 project, by incorporating the mitigation measures into the plan,  
22 policy, regulation, or project design.

23 (c) Prior to the close of the public review period for a draft  
24 environmental impact report or mitigated negative declaration, a  
25 responsible agency, or a public agency having jurisdiction over  
26 natural resources affected by the project, shall either submit to the  
27 lead agency complete and detailed performance objectives for  
28 mitigation measures which would address the significant effects  
29 on the environment identified by the responsible agency or agency  
30 having jurisdiction over natural resources affected by the project,  
31 or refer the lead agency to appropriate, readily available guidelines  
32 or reference documents. Any mitigation measures submitted to a  
33 lead agency by a responsible agency or an agency having  
34 jurisdiction over natural resources affected by the project shall be  
35 limited to measures which mitigate impacts to resources which  
36 are subject to the statutory authority of, and definitions applicable  
37 to, that agency. Compliance or noncompliance by a responsible  
38 agency or agency having jurisdiction over natural resources  
39 affected by a project with that requirement shall not limit the  
40 authority of the responsible agency or agency having jurisdiction

1 over natural resources affected by a project, or the authority of the  
2 lead agency, to approve, condition, or deny projects as provided  
3 by this division or any other provision of law.

4 (d) As a part of the mitigation monitoring plan established  
5 pursuant to this section, the lead agency shall prepare or cause to  
6 be prepared an annual report on project compliance with mitigation  
7 measures required pursuant to this division. The report shall be  
8 made publicly available online to enhance public disclosure and  
9 accountability. The lead agency may cease reporting once all  
10 mitigation measures are completed.

11 SEC. 9. Chapter 2.7 (commencing with Section 21099) is added  
12 to Division 13 of the Public Resources Code, to read:

13  
14 CHAPTER 2.7. STANDARDIZED THRESHOLDS OF SIGNIFICANCE  
15 FOR ENVIRONMENTALLY BENEFICIAL *TRANSIT-ORIENTED INFILL*  
16 PROJECTS  
17

18 21099. (a) For purposes of this section, the following terms  
19 mean the following:

20 (1) “Employment center project” means a project located on  
21 property zoned for commercial uses with a floor area ratio of no  
22 less than 0.75 and that is located within ~~one-half mile of a major~~  
23 ~~transit stop or high-quality transit corridor included in a regional~~  
24 ~~transportation plan~~ *a transit priority area*.

25 (2) “Floor area ratio” means the ratio of gross building area of  
26 the development, excluding structured parking areas, proposed for  
27 the project divided by the net lot area.

28 (3) “Gross building area” means the sum of all finished areas  
29 of all floors of a building included within the outside faces of its  
30 exterior walls.

31 (4) *“Infill site” means a lot located within an urban area that*  
32 *has been previously developed, or on a vacant site where at least*  
33 *75 percent of the perimeter of the site adjoins, or is separated only*  
34 *by an improve public right-of-way from, parcels that are developed*  
35 *with qualified urban uses.*

36 ~~(4)~~

37 (5) “Lot” means all parcels utilized by the project.

38 ~~(5)~~

(6) “Net lot area” means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.

~~(6)~~

(7) “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon ~~established by~~ *included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the* Code of Federal Regulations.

(b) (1) The Office of Planning and Research shall prepare ~~and propose revisions to the guidelines adopted pursuant to Section 21083,~~ and submit to the Secretary of the Natural Resources Agency for certification and ~~adoption of,~~ *adoption, proposed revisions to the guidelines adopted pursuant to Section 21083* establishing thresholds of significance for ~~noise, noise and for the~~ transportation ~~and parking~~ impacts for residential, mixed-use residential, or employment center projects *or infill sites* within transit priority areas. The thresholds of significance shall be based upon a project’s proximity to a multimodal transportation network, its overall transportation accessibility, and its proximity to a diversity of land uses.

(2) On or before July 1, 2014, the Office of Planning and Research shall circulate a draft revision prepared pursuant to paragraph (1).

(c) (1) Aesthetic ~~and parking~~ impacts of a residential, mixed-use residential, or employment center project *on an infill site* within a ~~priority~~ transit *priority* area shall not be considered significant impacts on the environment.

(2) (A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.

(B) *For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.*

(C) *This subdivision does not affect the significance of traffic congestion on air quality.*

(d) This section does not affect the authority of a public agency ~~from establishing or adopting transportation or parking standards~~

1 ~~applicable to projects or to establish or adopt~~ more stringent  
2 thresholds of significance ~~for projects subject to this division.~~

3 SEC. 10. Section 21167 of the Public Resources Code is  
4 amended to read:

5 21167. An action or proceeding to attack, review, set aside,  
6 void, or annul the following acts or decisions of a public agency  
7 on the grounds of noncompliance with this division shall be  
8 commenced as follows:

9 (a) An action or proceeding alleging that a public agency is  
10 carrying out or has approved a project that may have a significant  
11 effect on the environment without having determined whether the  
12 project may have a significant effect on the environment shall be  
13 commenced within 180 days from the date of the public agency's  
14 decision to carry out or approve the project, or, if a project is  
15 undertaken without a formal decision by the public agency, within  
16 180 days from the date of commencement of the project.

17 (b) An action or proceeding alleging that a public agency has  
18 improperly determined whether a project may have a significant  
19 effect on the environment shall be commenced within 30 days  
20 from the date of the filing of the notice required by subdivision  
21 (a) of Section 21108 or subdivision (a) of Section 21152.

22 (c) An action or proceeding alleging that an environmental  
23 impact report does not comply with this division shall be  
24 commenced within 30 days from the date of the filing of the notice  
25 required by subdivision (a) of Section 21108 or subdivision (a) of  
26 Section 21152 by the lead agency.

27 (d) An action or proceeding alleging that a public agency has  
28 improperly determined that a project is not subject to this division  
29 pursuant to subdivision (b) of Section 21080 or Section 21172  
30 shall be commenced within 35 days from the date of the filing by  
31 the public agency, or person specified in subdivision (b) or (c) of  
32 Section 21065, of the notice authorized by subdivision (b) of  
33 Section 21108 or subdivision (b) of Section 21152. If the notice  
34 has not been filed, the action or proceeding shall be commenced  
35 within 180 days from the date of the public agency's decision to  
36 carry out or approve the project, or, if a project is undertaken  
37 without a formal decision by the public agency, within 180 days  
38 from the date of commencement of the project.

39 (e) An action or proceeding alleging that another act or omission  
40 of a public agency does not comply with this division shall be

1 commenced within 30 days from the date of the filing of the notice  
2 required by subdivision (a) of Section 21108 or subdivision (a) of  
3 Section 21152.

4 (f) If a person has made a written request to the public agency  
5 for a copy of the notice specified in Section 21108 or 21152 prior  
6 to the date on which the agency approves or determines to carry  
7 out the project, then not later than five days from the date of the  
8 agency's action, the public agency shall deposit a written copy of  
9 the notice addressed to that person in the United States mail, first  
10 class postage prepaid. The date upon which this notice is mailed  
11 shall not affect the time periods specified in subdivisions (b), (c),  
12 (d), and (e).

13 (g) The limitation period provided pursuant to this section may  
14 be tolled for a period not to exceed four years if the agreement to  
15 toll the limitation period is in writing and signed by the party  
16 asserting noncompliance with this division, the public agency, and  
17 the real party in interest, as specified in subdivision (a) of Section  
18 21167.6.5, if any. The tolling agreement shall bar a defense to any  
19 action filed pursuant to this division that the action was not  
20 commenced within the time period specified in this section. Prior  
21 to the expiration of the tolling agreement, the tolling agreement  
22 may be renewed for a further period not to exceed four years from  
23 the immediately preceding tolling agreement. The extension of  
24 the tolling agreement may be made successively.

25 SEC. 11. Section 21167.6 of the Public Resources Code is  
26 amended to read:

27 21167.6. Notwithstanding any other provision of law, in all  
28 actions or proceedings brought pursuant to Section 21167, except  
29 as provided in Section 21167.6.2 or those involving the Public  
30 Utilities Commission, all of the following shall apply:

31 (a) At the time that the action or proceeding is filed, the plaintiff  
32 or petitioner shall file a request that the respondent public agency  
33 prepare the record of proceedings relating to the subject of the  
34 action or proceeding. The request, together with the complaint or  
35 petition, shall be served personally upon the public agency not  
36 later than 10 business days from the date that the action or  
37 proceeding was filed.

38 (b) (1) The public agency shall prepare and certify the record  
39 of proceedings not later than 60 days from the date that the request  
40 specified in subdivision (a) was served upon the public agency.



1 Upon certification, the public agency shall lodge a copy of the  
2 record of proceedings with the court and shall serve on the parties  
3 notice that the record of proceedings has been certified and lodged  
4 with the court. The parties shall pay any reasonable costs or fees  
5 imposed for the preparation of the record of proceedings in  
6 conformance with any law or rule of court.

7 (2) The plaintiff or petitioner may elect to prepare the record  
8 of proceedings or the parties may agree to an alternative method  
9 of preparation of the record of proceedings, subject to certification  
10 of its accuracy by the public agency, within the time limit specified  
11 in this subdivision.

12 (c) The time limit established by subdivision (b) may be  
13 extended only upon the stipulation of all parties who have been  
14 properly served in the action or proceeding or upon order of the  
15 court. Extensions shall be liberally granted by the court when the  
16 size of the record of proceedings renders infeasible compliance  
17 with that time limit. There is no limit on the number of extensions  
18 that may be granted by the court, but no single extension shall  
19 exceed 60 days unless the court determines that a longer extension  
20 is in the public interest.

21 (d) If the public agency fails to prepare and certify the record  
22 within the time limit established in paragraph (1) of subdivision  
23 (b), or any continuances of that time limit, the plaintiff or petitioner  
24 may move for sanctions, and the court may, upon that motion,  
25 grant appropriate sanctions.

26 (e) The record of proceedings shall include, but is not limited  
27 to, all of the following items:

28 (1) All project application materials.

29 (2) All staff reports and related documents prepared by the  
30 respondent public agency with respect to its compliance with the  
31 substantive and procedural requirements of this division and with  
32 respect to the action on the project.

33 (3) All staff reports and related documents prepared by the  
34 respondent public agency and written testimony or documents  
35 submitted by any person relevant to any findings or statement of  
36 overriding considerations adopted by the respondent agency  
37 pursuant to this division.

38 (4) Any transcript or minutes of the proceedings at which the  
39 decisionmaking body of the respondent public agency heard  
40 testimony on, or considered any environmental document on, the

1 project, and any transcript or minutes of proceedings before any  
2 advisory body to the respondent public agency that were presented  
3 to the decisionmaking body prior to action on the environmental  
4 documents or on the project.

5 (5) All notices issued by the respondent public agency to comply  
6 with this division or with any other law governing the processing  
7 and approval of the project.

8 (6) All written comments received in response to, or in  
9 connection with, environmental documents prepared for the project,  
10 including responses to the notice of preparation.

11 (7) All written evidence or correspondence submitted to, or  
12 transferred from, the respondent public agency with respect to  
13 compliance with this division or with respect to the project.

14 (8) Any proposed decisions or findings submitted to the  
15 decisionmaking body of the respondent public agency by its staff,  
16 or the project proponent, project opponents, or other persons.

17 (9) The documentation of the final public agency decision,  
18 including the final environmental impact report, mitigated negative  
19 declaration, or negative declaration, and all documents, in addition  
20 to those referenced in paragraph (3), cited or relied on in the  
21 findings or in a statement of overriding considerations adopted  
22 pursuant to this division.

23 (10) Any other written materials relevant to the respondent  
24 public agency's compliance with this division or to its decision on  
25 the merits of the project, including the initial study, any drafts of  
26 any environmental document, or portions thereof, that have been  
27 released for public review, and copies of studies or other documents  
28 relied upon in any environmental document prepared for the project  
29 and either made available to the public during the public review  
30 period or included in the respondent public agency's files on the  
31 project, and all internal agency communications, including staff  
32 notes and memoranda related to the project or to compliance with  
33 this division.

34 (11) The full written record before any inferior administrative  
35 decisionmaking body whose decision was appealed to a superior  
36 administrative decisionmaking body prior to the filing of litigation.

37 (f) In preparing the record of proceedings, the party preparing  
38 the record shall strive to do so at reasonable cost in light of the  
39 scope of the record.

1 (g) The clerk of the superior court shall prepare and certify the  
2 clerk's transcript on appeal not later than 60 days from the date  
3 that the notice designating the papers or records to be included in  
4 the clerk's transcript was filed with the superior court, if the party  
5 or parties pay any costs or fees for the preparation of the clerk's  
6 transcript imposed in conformance with any law or rules of court.  
7 Nothing in this subdivision precludes an election to proceed by  
8 appendix, as provided in Rule 8.124 of the California Rules of  
9 Court.

10 (h) Extensions of the period for the filing of any brief on appeal  
11 may be allowed only by stipulation of the parties or by order of  
12 the court for good cause shown. Extensions for the filing of a brief  
13 on appeal shall be limited to one 30-day extension for the  
14 preparation of an opening brief, and one 30-day extension for the  
15 preparation of a responding brief, except that the court may grant  
16 a longer extension or additional extensions if it determines that  
17 there is a substantial likelihood of settlement that would avoid the  
18 necessity of completing the appeal.

19 (i) At the completion of the filing of briefs on appeal, the  
20 appellant shall notify the court of the completion of the filing of  
21 briefs, whereupon the clerk of the reviewing court shall set the  
22 appeal for hearing on the first available calendar date.

23 SEC. 12. Section 21167.6.2 is added to the Public Resources  
24 Code, to read:

25 21167.6.2. (a) (1) Notwithstanding Section 21167.6, for a  
26 project described in Section 21167.6.3, the lead agency, upon the  
27 written request of a project applicant received no later than 30 days  
28 after the date that the lead agency makes a determination pursuant  
29 to subdivision (a) of Section 21080.1, Section 21094.5, or Chapter  
30 4.2 (commencing with Section 21155), shall prepare and certify  
31 the record of proceedings in the following manner:

32 (A) The lead agency for the project shall prepare the record of  
33 proceedings pursuant to this division concurrently with the  
34 administrative process.

35 (B) All documents and other materials placed in the record of  
36 proceedings shall be posted on, and be downloadable from, an  
37 Internet Web site maintained by the lead agency commencing with  
38 the date of the release of the draft environmental document for a  
39 project specified in Section 21167.6.3. If the lead agency cannot  
40 maintain an Internet Web site with the information required

1 pursuant to this section, the lead agency shall provide a link on  
2 the agency's Internet Web site to that information.

3 (C) The lead agency shall make available to the public in a  
4 readily accessible electronic format the draft environmental  
5 document for a project specified in Section 21167.6.3, and all other  
6 documents submitted to, cited by, or relied on by the lead agency,  
7 in the preparation of the draft environmental document for a project  
8 specified in Section 21167.6.3.

9 (D) A document prepared by the lead agency or submitted by  
10 the applicant after the date of the release of the draft environmental  
11 document for a project specified in Section 21167.6.3 that is a part  
12 of the record of the proceedings shall be made available to the  
13 public in a readily accessible electronic format within five business  
14 days after the document is released or received by the lead agency.

15 (E) The lead agency shall encourage written comments on the  
16 project to be submitted in a readily accessible electronic format,  
17 and shall make any comment available to the public in a readily  
18 accessible electronic format within five business days of its receipt.

19 (F) Within seven business days after the receipt of any comment  
20 that is not in an electronic format, the lead agency shall convert  
21 that comment into a readily accessible electronic format and make  
22 it available to the public in that format.

23 (G) The lead agency shall certify the record of proceedings  
24 within 30 days after the filing of the notice required pursuant to  
25 Section 21108 or 21152.

26 (2) This subdivision does not require the disclosure or posting  
27 of any trade secret as defined in Section 6254.7 of the Government  
28 Code, information about the location of archaeological sites or  
29 sacred lands, or any other information that is subject to the  
30 disclosure restrictions of Section 6254 of the Government Code.

31 (b) Any dispute regarding the record of proceedings shall be  
32 resolved by the court in an action or proceeding brought pursuant  
33 to subdivision (b) or (c) of Section 21167.

34 (c) The content of the record of proceedings shall be as specified  
35 in subdivision (e) of Section 21167.6.

36 (d) Subdivisions (g) to (i), inclusive, of Section 21167.6 are  
37 applicable to an appeal of a decision in an action or proceeding  
38 brought pursuant to subdivision (b) or (c) of Section 21167.

39 (e) The negative declaration, mitigated negative declaration,  
40 draft and final environmental impact report, or other environmental

document for a project specified in Section 21167.6.3 shall include a notice in no less than 12-point type stating the following:

“THIS NEGATIVE DECLARATION, MITIGATED NEGATIVE DECLARATION, EIR, OR ENVIRONMENTAL DOCUMENT IS SUBJECT TO SECTIONS 21167.6.2 AND 21167.6.3 OF THE PUBLIC RESOURCES CODE, WHICH REQUIRES THE RECORD OF PROCEEDINGS FOR THIS PROJECT TO BE PREPARED CONCURRENTLY WITH THE ADMINISTRATIVE PROCESS, DOCUMENTS PREPARED BY, OR SUBMITTED TO, THE LEAD AGENCY TO BE POSTED ON THE LEAD AGENCY’S INTERNET WEB SITE, AND THE LEAD AGENCY TO ENCOURAGE WRITTEN COMMENTS ON THE PROJECT TO BE SUBMITTED TO THE LEAD AGENCY IN A READILY ACCESSIBLE ELECTRONIC FORMAT.”

(f) For a lead agency that is a state agency, this section shall apply if the state agency consents to the preparation of the record of proceedings pursuant to this section.

SEC. 13. Section 21167.6.3 is added to the Public Resources Code, to read:

21167.6.3. (a) Section 21167.6.2 applies to the record of proceedings for the preparation of a negative declaration, mitigated negative declaration, environmental impact report, or other environmental document prepared for any of the following:

(1) A project determined to be of statewide, regional, or areawide environmental significance pursuant to subdivision (d) of Section 21083.

(2) A project subject to Section 21094.5 of Chapter 4.2 (commencing with Section 21155).

(3) (A) A project, other than those described in paragraph (1) or (2), for which the project applicant has requested for, and the lead agency consents to, the preparation for the record of proceeding pursuant to this section and Section 21167.6.2.

(B) The lead agency shall respond to a request by the project applicant within 10 business days from the date that the request pursuant to subdivision (a) of Section 21167.6.2 is received by the lead agency.

(C) A project applicant and the lead agency may mutually agree, in writing, to extend the time period for the lead agency to respond pursuant to subparagraph (B), but they shall not extend that period beyond the commencement of the public review period for the proposed negative declaration, mitigated negative declaration, draft environmental impact report, or other environmental document.

(D) The request to prepare a record of proceedings pursuant to this paragraph shall be deemed denied if the lead agency fails to respond within 10 business days of receiving the request or within the time period agreed upon pursuant to subparagraph (C), whichever ends later.

(b) The written request of the applicant submitted pursuant to subdivision (a) of Section 21167.6.2 shall include an agreement to pay all of the lead agency's costs of preparing and certifying the record of proceedings pursuant to Section 21167.6.2 and complying with the requirements of this section and Section 21167.6.2 in a manner specified by the lead agency.

(c) The cost of preparing the record of proceedings pursuant to Section 21167.6.2 and complying with the requirements of this section and Section 21167.6.2 are not recoverable costs pursuant to ~~Section 1033~~ *21167.6 or Sections 1032 to 1033.5, inclusive*, of the Code of Civil Procedure.

SEC. 14. Section 21167.7 of the Public Resources Code is amended to read:

21167.7. (a) Every person who brings an action pursuant to Section 21167 shall comply with the requirements of Section 388 of the Code of Civil Procedure. Every such person shall also furnish pursuant to Section 388 of the Code of Civil Procedure a copy of any amended or supplemental pleading filed by such person in such action to the Attorney General. No relief, temporary or permanent, shall be granted until a copy of the pleading has been furnished to the Attorney General in accordance with such requirements.

(b) Notwithstanding Section 10231.5 of the Government Code, ~~the Attorney General~~ *California Research Bureau, subject to the availability of funds and of the information described in paragraphs (1) to (3), inclusive*, shall annually submit to the Legislature a report, ~~pursuant to~~ *in compliance with* Section 9795 of the Government Code, with information on actions or

proceedings brought pursuant to this division that includes, but is not limited to, all of the following:

(1) The names of the plaintiffs or petitioners, the respondents or defendants, and the real parties in interest.

(2) The type of action or proceeding filed and the alleged violation.

(3) The disposition, if any, of the action or proceeding.

SEC. 15. Section 21168.9 of the Public Resources Code is amended to read:

21168.9. (a) If a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with this division, the court shall ~~issue~~ *enter an order that includes issuing* a peremptory writ of mandate specifying what action by the public agency is necessary to comply with this division, including one or more of the following:

(1) A mandate that the determination, finding, or decision be voided by the public agency, in whole or in part.

(2) If the court finds that a specific project activity or activities will prejudice the consideration or implementation of particular mitigation measures or alternatives to the project, a mandate that the public agency and any real parties in interest suspend any or all specific project activity or activities, pursuant to the determination, finding, or decision, that could result in an adverse change or alteration to the physical environment, until the public agency has taken any actions that may be necessary to bring the determination, finding, or decision into compliance with this division.

(3) A mandate that the public agency take specific action as may be necessary to bring the determination, finding, or decision into compliance with this division.

(b) (1) A writ pursuant to subdivision (a) shall include only those mandates that are necessary to achieve compliance with this division and only those specific project activities in noncompliance with this division.

~~(2) In the case of a negative declaration, mitigated negative declaration, or environmental impact report found not to be in compliance with this division, the writ may direct the agency to revise only those portions of the document found not to be in compliance with this division.~~

1     ~~(3)~~

2     (2) The writ shall be limited to that portion of a determination,  
3 finding, or decision, or the specific project activity or ~~activities,~~  
4 ~~or document~~ *activities* found to be in noncompliance only if a court  
5 finds all of the following:

6     (A) The portion or specific project activity or activities ~~or~~  
7 ~~document~~ is severable.

8     (B) Severance will not prejudice complete and full compliance  
9 with this division.

10    (C) The court has not found the remainder of the project ~~or~~  
11 ~~document~~ to be in noncompliance with this division.

12    ~~(4)~~

13    (3) A writ shall include a time by which the agency shall make  
14 an initial return of the writ.

15    ~~(5)~~

16    (4) The trial court shall retain jurisdiction over the public  
17 agency's proceedings by way of a return to the peremptory writ  
18 until the court has determined that the public agency has complied  
19 with this division.

20    (c) An initial return to a writ shall describe all of the following:

21    (1) The actions the agency will take to come into compliance  
22 with the writ and this division.

23    (2) A schedule for these actions.

24    (3) In the case of a negative declaration, mitigated negative  
25 declaration, or environmental impact report found not to be in  
26 compliance with this division, the public comment period  
27 applicable to the agency's revision of the document.

28    (d) This section does not authorize a court to direct a public  
29 agency to exercise its discretion in any particular way. Except as  
30 expressly provided in this section, this section is not intended to  
31 limit the equitable powers of the court.

32    (e) This section does not affect the authority of a court to allow  
33 those determinations, findings, or decisions of a public agency that  
34 are not found to be in violation of this division to proceed, if  
35 allowing the public agency to proceed does not, in any manner,  
36 prejudice complete and full compliance with this division.

37    SEC. 16. It is the intent of the Legislature to ~~appropriate~~  
38 *appropriate* the sum of thirty million dollars (\$30,000,000) in the  
39 annual Budget Act to the Strategic Growth Council to provide  
40 competitive grants to local agencies for planning activities pursuant



1 to Chapter 4.2 (commencing with Section 21155) of Division 13  
2 of the Public Resources Code.

3 SEC. 17. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 a local agency or school district has the authority to levy service  
6 charges, fees, or assessments sufficient to pay for the program or  
7 level of service mandated by this act, within the meaning of Section  
8 17556 of the Government Code.

9 However, if the Commission on State Mandates determines that  
10 this act contains other costs mandated by the state, reimbursement  
11 to local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.

O

# REPORT

**DATE:** August 20, 2013

**TO:** Legislative/Communications & Membership Committee (LCMC)

**FROM:** Darin Chidsey; Acting Director, Strategy, Policy & Public Affairs; (213)-236-1836; [chidsey@scag.ca.gov](mailto:chidsey@scag.ca.gov)

**SUBJECT:** AB 401 (Daly) – Transportation: design-build: streets and highways

---

## RECOMMENDED ACTION:

For information only; no action required.

## EXECUTIVE SUMMARY:

*AB 401, formerly a bill that would authorize the Orange County Transportation Authority to utilize design-build procurement for the Interstate 405 Improvement Project, was amended on August 12 to expand use of design-build authority by the California Department of Transportation (Caltrans) to utilize design-build procurement for up to 10 projects on streets, roads, or the state highway system. The bill would sunset on January 1, 2024 or as specified. SCAG supports this legislation consistent with prior board action supporting design-build authority for project procurement and adopted 2013 legislative priorities supporting legislation to expedite project delivery.*

## STRATEGIC PLAN:

This item supports SCAG's Strategic Plan, Goal 2: Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities; Objective b) Identify and support legislative initiatives.

## BACKGROUND:

AB 401, as introduced, authorized the Orange County Transportation Authority (OCTA) to use the design-build method of procurement for its Interstate 405 Improvement Project (I-405). Design-build refers to a procurement process in which both the design and construction of a project are procured from a single entity. Design-build stands in contrast to the traditional design-bid-build contracting method by combining the separate phases of design and construction into a single, comprehensive contract.

The bill as introduced authorized design-build for the I-405 project which will provide one additional general purpose lane in each direction to the most congested 12 mile stretch of the freeway in Orange County, one of the most congested stretches of Interstate Highway in the nation. This project is estimated to generate a total of 22,700 jobs and, the use of the design-build procurement method rather than the traditional design-bid-build method will allow for an expedited project delivery schedule by allowing design and construction activities to proceed concurrently rather than sequentially. This will allow the creation of jobs sooner due to the quicker start of construction and may shorten completion of the project by two or three years.

As amended on August 12, 2013, the bill's provisions are broadened in scope to expand authority by Caltrans to utilize design-build procurement for up to 10 projects on streets, roads, or the state highway system, of which the I-405 project would almost certainly be included. Under bill provisions, such design-build projects may be undertaken by cooperative agreement between Caltrans and a regional transportation agency as defined in paragraph (4) of subdivision (a) of §143 of the Streets and Highways

# REPORT

Code (county transportation commissions, transportation planning agency, or other regional transportation entities as defined in statute). The cooperative agreement shall include the requirement to develop a mutually agreed upon issue resolution process with a primary objective to ensure the project stays on schedule and issues between the parties are resolved in a timely manner.

As provided in the original version, the amended bill maintains the authority to perform construction inspection services for projects on the state highway system with Caltrans, and additionally provides Caltrans with authority to inspect construction on projects ‘interfacing’ the state highway system. Interfacing with the state highway system is defined to mean work performed within the state highway right-of-way, including airspace over or under that property, or work performed upon property acquired by the department for construction of a state highway, including airspace over or under that property. Bill provisions sunset on January 1, 2024, or are repealed within one year from the date on which Caltrans posts on its Internet Web site notice that its authority to perform construction inspection services consistent with §91.2 of the Streets and Highways Code has been held invalid by a court of competent jurisdiction.

AB 401 is largely based on past authorizations of design-build authority, including that provided under the design-build pilot program under SBX2 4 (Chapter 2, Statutes of 2009), as well as the authority under AB 2098 (Chapter 250, Statutes of 2010) for the State Route 91 Corridor Improvement Project within Riverside County. AB 401 maintains compliance with Article 22 of the Constitution by allowing these services to be carried out by public employees or contracted out. The bill sunsets OCTA's Design-build authority on January 1, 2018.

The bill has received support from numerous groups, including the Professional Engineers in California Government (PECG), American Society of Civil Engineers (ASCE) – region 9, the Association of California Cities – Orange County, and each of the transportation commissions in the SCAG region: Imperial County Transportation Commission (ICTC), Los Angeles County Metropolitan Transportation Authority (Metro), Riverside County Transportation Commission (RCTC), San Bernardino Association of Governments (SANBAG), and Ventura County Transportation Commission (VCTC).

On June 26, 2013, consistent with adopted Regional Council 2013 legislative priorities supporting legislation that will expedite project delivery, as well as long standing board support of design-build authority for project procurement, SCAG joined the region’s transportation commissions urging support and passage of AB 401. A copy of the letter is attached.

AB 401 is currently in the Senate Transportation and Housing Committee with no hearing scheduled. Staff expects that the bill will be heard by Senate Transportation and Housing on August 22, 2013, with a rule waiver early next week. SCAG will forward a support letter to Committee in advance of the hearing.

## **ATTACHMENTS:**

- 1) AB 401 CEOs Letter
- 2) AB 401 SCAG Support Letter
- 3) AB 401 as amended August 12



June 26, 2013



**Metro**

The Honorable Mark DeSaulnier  
Chair, Senate Transportation and Housing Committee  
California State Senate  
State Capitol, Room 5035  
Sacramento, CA 95814



Subject: **AB 401 (Daly)**

Dear Senator DeSaulnier:

The undersigned agencies would like to urge your support for AB 401 (Daly, D-Anaheim), which will provide the Orange County Transportation Authority design-build authority for the Interstate 405 (I-405) Improvement Project in Orange County.



AB 401 is largely based on past authorizations of design-build authority, including that provided under the design-build pilot program under SBX2 4 (Chapter 2, Statutes of 2009), as well as the authority under AB 2098 (Chapter 250, Statutes of 2010) for the State Route 91 Corridor Improvement Project within Riverside County. AB 401 maintains the California Department of Transportation's role in construction inspection and safety oversight, while ensuring compliance with Article 22 of the Constitution by allowing these services to be carried out by public employees or contracted out. This balanced division of the workload will ensure a continued State oversight role, as the owner and operator of the state highway system, while also allowing a substantial role for the private sector to participate in project development.



The I-405 is one of the most congested freeways in Orange County, carrying more than 300,000 vehicle trips in some sections each day. By 2040, traffic along the I-405 is expected to increase significantly. This project will provide congestion relief, improve traffic and interchange operations, and enhance road safety. The bulk of the funding for the \$1.3 billion project comes from Orange County's local sales tax measure for transportation, Measure M2, which was passed in 2006.



The use of the design-build procurement method, as outlined under AB 401, rather than the traditional design-bid-build method, will allow for an expedited project delivery schedule by allowing design and construction activities to proceed concurrently rather than sequentially. The I-405 project is estimated to generate a total of 22,700 jobs and by using design-build procurement will allow the creation of jobs immediately due to the quicker start of construction. Moreover, without design-build, the project may take two or three additional years to complete, potentially increasing project costs due to inflationary pressures.

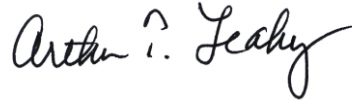
The Honorable Mark DeSaulnier  
June 26, 2013  
Page 2

AB 401 recognizes the past success of using the design-build procurement method to streamline project delivery and stimulate the economy, and provides for the extension of that the authority to the I-405 project in Orange County.

Sincerely,



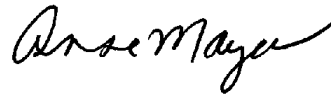
Mark Baza  
Executive Director  
Imperial County Transportation Authority



Arthur T. Leahy  
Chief Executive Officer  
Los Angeles County Metropolitan  
Transportation Authority



Darrell Johnson  
Chief Executive Officer  
Orange County Transportation Authority



Anne Mayor  
Executive Director  
Riverside County Transportation  
Commission



Raymond Wolfe  
Executive Director  
San Bernardino Associated Governments



Hasan Ikarta  
Executive Director  
Southern California Association of  
Governments



Darren Kettle  
Executive Director  
Ventura County Transportation Commission

c: Members, Senate Transportation and Housing Committee

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**Policy Committee Chairs**

Community, Economic and  
Human Development  
Margaret Finlay, Duarte

Energy & Environment  
James Johnson, Long Beach

Transportation  
Keith Millhouse, Ventura County  
Transportation Commission

August 15, 2013

The Honorable Mark DeSaulnier  
Chair  
Senate Committee on Transportation & Housing  
State Capitol, Room 2209  
Sacramento, CA 95814

The Honorable Ted Gaines  
Vice Chair  
Senate Committee on Transportation & Housing  
State Capitol, Room 2209  
Sacramento, CA 95814

**RE: SUPPORT for AB 401 (Daly) – Design-Build – Streets and Highways**

Dear Senators DeSaulnier and Gaines:

The Southern California Association of Governments (SCAG) offers this letter of support for AB 401 (Daly) and respectfully requests your support as well. AB 401 would authorize Caltrans to utilize the design-build procurement method for up to 10 projects on streets, roads, or the state highway system.

Design-build would greatly benefit projects like the Interstate Highway 405 (I-405) Improvement Project—especially the portion within the County of Orange—as it is one of the most congested stretches of Interstate Highway in the nation. The I-405 project will provide one additional general purpose lane in each direction to the most congested 12-mile stretch of the freeway in Orange County. The authority to use the design-build method of procurement for this particular project would move this project forward in a quick and expeditious manner, providing for increased freeway capacity, improvement in traffic and interchange operations, and enhancement to road safety to meet state and federal standards.

Design-build is a method of project delivery in which the design and construction services are contracted by a single entity and is used to reduce the delivery schedule by overlapping the design phase and construction phase of the project. Ultimately, AB 401 will allow Caltrans to speed up the completion of projects by several years, as well as accelerate the creation of thousands of jobs that will be created or sustained by these projects.

The bill has received support from numerous groups, including the Professional Engineers in California Government (PECG), American Society of Civil Engineers (ASCE) – region 9, Association of California Cities – Orange County, Imperial County Transportation Commission (ICTC), Los Angeles County Metropolitan Transportation Authority (Metro), Riverside County Transportation Commission (RCTC), San Bernardino Association of Governments (SANBAG), and Ventura County Transportation Commission (VCTC).

AB 401 will expedite the completion of projects, as well as accelerate the creation of thousands of jobs. For these reasons, SCAG's Regional Council respectfully requests your support of AB 401.

Sincerely,

Greg Pettis  
SCAG President  
City of Cathedral City

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN ASSEMBLY MAY 20, 2013

AMENDED IN ASSEMBLY MAY 2, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 401**

**Introduced by Assembly Member Daly  
(Coauthor: Assembly Member Linder)**

February 15, 2013

An act to add and repeal Chapter 6.5 (commencing with Section 6820) of Part 1 of Division 2 of the Public Contract Code, *and to amend Section 143 of, and to add and repeal Section 91.2 of, the Streets and Highway Code*, relating to ~~highways~~ *transportation*, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 401, as amended, Daly. ~~Public contracts: design-build: State Highway Route 405. Transportation: design-build: streets and highways.~~

Existing law, until January 1, 2014, authorizes certain state and local transportation entities, if authorized by the California Transportation Commission, to use a design-build process for contracts on transportation projects, as specified. Existing law establishes a procedure for submitting bids that includes a requirement that design-build entities

provide a statement of qualifications submitted to the transportation entity that is verified under oath, subject to penalty of perjury.

This bill, ~~until January 1, 2018,~~ would authorize the ~~Orange County Transportation Authority~~ *Department of Transportation* to utilize design-build procurement for ~~the Interstate 405 Improvement Project up to 10 projects~~ on the state highway system, based on either best value or lowest responsible bid. *The bill would authorize regional transportation agencies, as defined, to utilize design-build procurement for projects on streets, roads, or the state highway system. The bill would repeal these provisions on January 1, 2024, or one year from the date that the Department of Transportation posts on its Internet Web site that the provisions related to the construction inspection services of these projects are invalid. The bill would provide that these design-build authorizations do not include construction inspection services for projects on or interfacing with the state highway system.* The bill would require the Department of Transportation to perform construction inspection services for ~~the project~~ *projects on or interfacing with the state highway system*, as specified. The bill would require a transportation entity, as defined, awarding a contract for a public works project pursuant to these provisions, to reimburse the Department of Industrial Relations for costs of performing prevailing wage monitoring and enforcement of the public works project and would require moneys collected to be deposited into the State Public Works Enforcement Fund, a continuously appropriated fund. By depositing money in a continuously appropriated fund, the bill would make an appropriation.

~~The bill would make findings and declarations as to the necessity of a special statute for Orange County.~~

Because the bill would extend the use of design-build procurement to ~~the authority,~~ *regional transportation entities*, subject to existing procedures, the bill would, by extension, impose the statement of qualifications requirement upon ~~the authority,~~ *regional transportation entities*, subject to penalty of perjury, thereby creating a new crime and imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.



*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares the following:*

2     *(a) The Department of Transportation has statutory authority*  
3     *over the state highway system, including possession, control, and*  
4     *responsibility for improvements to and maintenance of that system.*

5     *(b) The Department of Transportation is authorized to construct*  
6     *and maintain detours as may be necessary to facilitate movement*  
7     *of traffic where state highways are closed or obstructed by*  
8     *construction or otherwise.*

9     *(c) The Department of Transportation and any county, city, or*  
10    *public entity are authorized to enter into a contract with respect*  
11    *to the sharing of the expense of the acquisition, construction,*  
12    *improvement, or maintenance of any state highway.*

13    *(d) When an improvement to a portion of a state highway is*  
14    *completed by a local entity, the control of that portion of the state*  
15    *highway reverts to the state and the state is liable for its future*  
16    *maintenance and care.*

17    *SEC. 2. It is the intent of the Legislature to do the following:*

18    *(a) Authorize the Department of Transportation and regional*  
19    *transportation agencies to undertake improvements on streets and*  
20    *highways using design-build procurement.*

21    *(b) Reserve for the Department of Transportation the authority*  
22    *to perform construction inspection services.*

23    *(c) Require the Department of Transportation to be responsible*  
24    *for ensuring that uniform safety standards are met on public works*  
25    *of improvement on the state highway system.*

26    ~~SECTION 1.~~

27    *SEC. 3. Chapter 6.5 (commencing with Section 6820) is added*  
28    *to Part 1 of Division 2 of the Public Contract Code, to read:*

29  
30     CHAPTER 6.5. ~~ORANGE COUNTY~~ TRANSPORTATION AUTHORITY  
31                     DESIGN-BUILD PROGRAM  
32

33     6820. For purposes of this chapter, the following definitions  
34     apply:

35     (a) “Best value” means a value determined by objective criteria,  
36     including, but not limited to, price, features, functions, life-cycle  
37     costs, and other criteria deemed appropriate by the transportation  
38     entity.

(b) “Commission” means the California Transportation Commission.

(c) “Design-build” means a procurement process in which both the design and construction of a project are procured from a single entity.

(d) “Design-build entity” means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(e) “Design-build team” means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team.

(f) “Department” means the Department of Transportation as established under Part 5 (commencing with Section 14000) of Division 3 of Title 2 of the Government Code.

(g) “*Interfacing with the state highway system*” means work performed within the state highway right-of-way, including airspace over or under that property, or work performed upon property acquired by the department for construction of a state highway, including airspace over or under that property.

(h) “Regional transportation agency” means a regional transportation agency as defined in paragraph (4) of subdivision (a) of Section 143 of the Streets and Highways Code.

~~(g)~~

(i) “Transportation entity” means the ~~Orange County Transportation Authority~~ department or a regional transportation agency.

6821. (a) The ~~Orange County Transportation Authority~~ department may utilize the design-build method of procurement for the ~~Interstate 405 Improvement Project up to 10 projects~~ on the state highway system, based on either best value or lowest responsible bid.

~~(b) Notwithstanding any other provision of this chapter, the department shall perform construction inspection services for the project authorized pursuant to this section. Department construction inspection services for the project authorized pursuant to this section include, but are not limited to, surveying, material source testing, certification testing, monitoring of environmental compliance, independent quality control testing and inspection, and quality assurance audits. The department construction~~

1 inspection duties and responsibilities shall include a direct reporting  
2 relationship between the inspectors and senior department  
3 engineers responsible for all inspectors and construction inspection  
4 services. The senior department engineer responsible for  
5 construction inspection services shall be responsible for the  
6 acceptance or rejection of the work.

7 (e) Notwithstanding any other law, the department shall retain  
8 the authority to stop the contractor's operation wholly or in part  
9 and take appropriate action when public safety is jeopardized. The  
10 department shall ensure that public safety and convenience is  
11 maintained whenever work is performed under an encroachment  
12 permit within the state highway right-of-way, including, but not  
13 limited to, work performed that includes lane closures, signing,  
14 work performed at night, detours, dust control, temporary pavement  
15 quality, crash cushions, temporary railings, pavement transitions,  
16 falsework, shoring, and delineation. The department shall regularly  
17 inspect the job sites for safety compliance and any possible  
18 deficiencies. If any deficiency is observed, a written notice shall  
19 be sent by the department to the Orange County Transportation  
20 Authority's designated resident engineer to correct the deficiency.  
21 Once the deficiency is corrected, a written notice describing the  
22 resolution of the deficiency shall be sent to the department and  
23 documented.

24 (d) The department shall use department employees or  
25 consultants under contract with the department to perform the  
26 services described in subdivisions (b) and (e), consistent with  
27 Article XXII of the California Constitution. Department employee  
28 and consultant resources necessary for the performance of those  
29 services, including personnel requirements, shall be included in  
30 the department's capital outlay support program for workload  
31 purposes in the annual Budget Act.

32 (e)

33 (b) A regional transportation agency may utilize the design-build  
34 method of procurement to design and construct projects on streets,  
35 roads, or the state highway system, based on either best value or  
36 lowest responsible bid. A regional transportation agency and the  
37 department shall enter into a cooperative agreement reflecting the  
38 roles and responsibilities assigned by law for a project on or  
39 interfacing with the state highway system authorized under this  
40 subdivision. The cooperative agreement shall also include the

1 *requirement to develop a mutually agreed upon issue resolution*  
2 *process with a primary objective to ensure the project stays on*  
3 *schedule and issues between the parties are resolved in a timely*  
4 *manner.*

5 *(c) The design-build authorization in subdivisions (a) and (b)*  
6 *shall not include the authority to perform construction inspection*  
7 *services for projects on or interfacing with the state highway*  
8 *system, which shall be performed by the department consistent*  
9 *with Section 91.2 of the Streets and Highway Code.*

10 *(d) (1) Not later than the first day of July that occurs two years*  
11 *after a design-build contract is awarded, and each July 1 thereafter*  
12 *until the a project is completed, the Orange County Transportation*  
13 *Authority department or the regional transportation agency shall*  
14 *submit a report on the progress of the project and compliance with*  
15 *this section to the legislative policy committees having jurisdiction*  
16 *over transportation matters.*

17 *(2) The requirement of submitting a report imposed under*  
18 *paragraph (1) is inoperative on the first day of July four years after*  
19 *the first report was submitted, pursuant to Section 10231.5 of the*  
20 *Government Code.*

21 *(3) A report to be submitted pursuant to paragraph (1) shall be*  
22 *submitted in compliance with Section 9795 of the Government*  
23 *Code.*

24 6822. The commission shall use the guidelines developed  
25 pursuant to subdivision (e) of Section 6803, as it read on December  
26 31, 2013, to provide a standard organizational conflict-of-interest  
27 policy, consistent with applicable law, regarding the ability of a  
28 person or entity, that performs services for the transportation entity  
29 relating to the solicitation of a design-build project, to submit a  
30 proposal as a design-build entity, or to join a design-build team.  
31 This conflict-of-interest policy shall apply to the transportation  
32 entity entering into design-build contracts authorized under this  
33 chapter.

34 6823. (a) For contracts for public works projects awarded prior  
35 to the effective date of the regulations adopted by the Department  
36 of Industrial Relations pursuant to subdivision (g) of Section 1771.5  
37 of the Labor Code, a transportation entity authorized to use the  
38 design-build method of procurement shall establish and enforce a  
39 labor compliance program containing the requirements outlined  
40 in Section 1771.5 of the Labor Code or shall contract with a third

1 party to operate a labor compliance program containing the  
2 requirements outlined in Section 1771.5 of the Labor Code. This  
3 requirement shall not apply to projects where the transportation  
4 entity or design-build entity has entered into any collective  
5 bargaining agreement that binds all of the contractors performing  
6 work on the projects.

7 (b) For contracts for public works projects awarded on or after  
8 the effective date of the regulations adopted by the Department of  
9 Industrial Relations pursuant to subdivision (g) of Section 1771.5  
10 of the Labor Code, the transportation entity shall reimburse the  
11 Department of Industrial Relations for its reasonable and directly  
12 related costs of performing prevailing wage monitoring and  
13 enforcement on public works projects pursuant to rates established  
14 by the Department of Industrial Relations as set forth in subdivision  
15 (h) of Section 1771.5 of the Labor Code. All moneys collected  
16 pursuant to this subdivision shall be deposited in the State Public  
17 Works Enforcement Fund, created by Section 1771.3 of the Labor  
18 Code, and shall be used only for enforcement of prevailing wage  
19 requirements on those projects.

20 (c) In lieu of reimbursing the Department of Industrial Relations  
21 for its reasonable and directly related costs of performing  
22 monitoring and enforcement on public works projects, the  
23 transportation entity may *either* (1) elect to continue operating an  
24 existing previously approved labor compliance program to monitor  
25 and enforce prevailing wage requirements on the project if it has  
26 ~~either~~ not contracted with a third party to conduct its labor  
27 compliance program and requests and receives approval from the  
28 department to continue its existing program or ~~it enters~~ (2) *enter*  
29 into a collective bargaining agreement that binds all of the  
30 contractors performing work on the project and that includes a  
31 mechanism for resolving disputes about the payment of wages.

32 6824. The procurement process for the design-build project  
33 shall progress as follows:

34 (a) ~~The~~A transportation entity shall prepare a set of documents  
35 setting forth the scope and estimated price of ~~the~~ a project. The  
36 documents may include, but need not be limited to, the size, type,  
37 and desired design character of the project, performance  
38 specifications covering the quality of materials, equipment,  
39 workmanship, preliminary plans, and any other information deemed  
40 necessary to describe adequately the transportation entity's needs.

1 The performance specifications and any plans shall be prepared  
2 by a design professional who is duly licensed and registered in  
3 California.

4 (b) Based on the documents prepared as described in subdivision  
5 (a), the transportation entity shall prepare a request for proposals  
6 that invites interested parties to submit competitive sealed proposals  
7 in the manner prescribed by the transportation entity. The request  
8 for proposals shall include, but need not be limited to, the following  
9 elements:

10 (1) Identification of the basic scope and needs of the project or  
11 contract, the estimated cost of the project, the methodology that  
12 will be used by the transportation entity to evaluate proposals,  
13 whether the contract will be awarded on the basis of the lowest  
14 responsible bid or on best value, and any other information deemed  
15 necessary by the transportation entity to inform interested parties  
16 of the contracting opportunity.

17 (2) Significant factors that the transportation entity reasonably  
18 expects to consider in evaluating proposals, including, but not  
19 limited to, cost or price and all nonprice-related factors.

20 (3) The relative importance or the weight assigned to each of  
21 the factors identified in the request for proposals.

22 (4) For transportation entities authorized to utilize best value  
23 as a selection method, the transportation entity reserves the right  
24 to request proposal revisions and hold discussions and negotiations  
25 with responsive bidders and shall so specify in the request for  
26 proposals and shall publish separately or incorporate into the  
27 request for proposals applicable rules and procedures to be  
28 observed by the transportation entity to ensure that any discussions  
29 or negotiations are conducted in good faith.

30 (c) Based on the documents prepared under subdivision (a), the  
31 transportation entity shall prepare and issue a request for  
32 qualifications in order to prequalify the design-build entities whose  
33 proposals shall be evaluated for final selection. The request for  
34 qualifications shall include, but need not be limited to, the  
35 following elements:

36 (1) Identification of the basic scope and needs of the project or  
37 contract, the expected cost range, the methodology that will be  
38 used by the transportation entity to evaluate proposals, the  
39 procedure for final selection of the design-build entity, and any

1 other information deemed necessary by the transportation entity  
2 to inform interested parties of the contracting opportunity.

3 (2) (A) Significant factors that the transportation entity  
4 reasonably expects to consider in evaluating qualifications,  
5 including technical design and construction expertise, skilled labor  
6 force availability, and all other nonprice-related factors.

7 (B) For purposes of subparagraph (A), skilled labor force  
8 availability shall be determined by the existence of an agreement  
9 with a registered apprenticeship program, approved by the  
10 California Apprenticeship Council, that has graduated at least one  
11 apprentice in each of the preceding five years. This graduation  
12 requirement shall not apply to programs providing apprenticeship  
13 training for any craft that was first deemed by the Department of  
14 Labor and the Department of Industrial Relations to be an  
15 apprenticeable craft within the five years prior to the effective date  
16 of this article.

17 (3) A standard form request for statements of qualifications  
18 prepared by the transportation entity. In preparing the standard  
19 form, the transportation entity may consult with the construction  
20 industry, the building trades and surety industry, and other public  
21 agencies interested in using the authorization provided by this  
22 chapter. The standard form shall require information including,  
23 but not limited to, all of the following:

24 (A) If the design-build entity is a partnership, limited  
25 partnership, joint venture, or other association, a listing of all of  
26 the partners, general partners, or association members known at  
27 the time of statement of qualification submission who will  
28 participate in the design-build contract.

29 (B) Evidence that the members of the design-build entity have  
30 completed, or demonstrated the experience, competency, capability,  
31 and capacity to complete projects of similar size, scope, or  
32 complexity, and that proposed key personnel have sufficient  
33 experience and training to competently manage and complete the  
34 design and construction of the project, and a financial statement  
35 that assures the transportation entity that the design-build entity  
36 has the capacity to complete the project.

37 (C) The licenses, registration, and credentials required to design  
38 and construct the project, including, but not limited to, information  
39 on the revocation or suspension of any license, credential, or  
40 registration.

1 (D) Evidence that establishes that the design-build entity has  
2 the capacity to obtain all required payment and performance  
3 bonding, liability insurance, and errors and omissions insurance.

4 (E) Information concerning workers' compensation experience  
5 history and a worker safety program.

6 (F) A full disclosure regarding all of the following that are  
7 applicable:

8 (i) Any serious or willful violation of Part 1 (commencing with  
9 Section 6300) of Division 5 of the Labor Code or the federal  
10 Occupational Safety and Health Act of 1970 (Public Law 91-596),  
11 settled against any member of the design-build entity.

12 (ii) Any debarment, disqualification, or removal from a federal,  
13 state, or local government public works project.

14 (iii) Any instance where the design-build entity, or its owners,  
15 officers, or managing employees submitted a bid on a public works  
16 project and were found to be nonresponsive or were found by an  
17 awarding body not to be a responsible bidder.

18 (iv) Any instance where the design-build entity, or its owners,  
19 officers, or managing employees defaulted on a construction  
20 contract.

21 (v) Any violations of the Contractors' State License Law, as  
22 described in Chapter 9 (commencing with Section 7000) of  
23 Division 3 of the Business and Professions Code, including alleged  
24 violations of federal or state law regarding the payment of wages,  
25 benefits, apprenticeship requirements, or personal income tax  
26 withholding, or Federal Insurance Contribution Act (FICA)  
27 withholding requirements settled against any member of the  
28 design-build entity.

29 (vi) Any bankruptcy or receivership of any member of the  
30 design-build entity, including, but not limited to, information  
31 concerning any work completed by a surety.

32 (vii) Any settled adverse claims, disputes, or lawsuits between  
33 the owner of a public works project and any member of the  
34 design-build entity during the five years preceding submission of  
35 a bid under this article, in which the claim, settlement, or judgment  
36 exceeds fifty thousand dollars (\$50,000). Information shall also  
37 be provided concerning any work completed by a surety during  
38 this five-year period.

39 (G) If the proposed design-build entity is a partnership, limited  
40 partnership, joint-venture, or other association, a copy of the



1 organizational documents or agreement committing to form the  
2 organization, and a statement that all general partners, joint venture  
3 members, or other association members agree to be fully liable for  
4 the performance under the design-build contract.

5 (H) An acceptable safety record. A bidder's safety record shall  
6 be deemed acceptable if its experience modification rate for the  
7 most recent three-year period is an average of 1.00 or less, and its  
8 average total recordable injury/illness rate and average lost work  
9 rate for the most recent three-year period does not exceed the  
10 applicable statistical standards for its business category or if the  
11 bidder is a party to an alternative dispute resolution system as  
12 provided for in Section 3201.5 of the Labor Code.

13 (4) The information required under this subdivision shall be  
14 verified under oath by the design-build entity and its members in  
15 the manner in which civil pleadings in civil actions are verified.  
16 Information required under this subdivision that is not a public  
17 record under the California Public Records Act, as described in  
18 Chapter 3.5 (commencing with Section 6250) of Division 7 of  
19 Title 1 of the Government Code, shall not be open to public  
20 inspection.

21 (d) For those projects utilizing low bid as the final selection  
22 method, the competitive bidding process shall result in lump-sum  
23 bids by the prequalified design-build entities. Awards shall be  
24 made to the lowest responsible bidder.

25 (e) For those projects utilizing best value as a selection method,  
26 the design-build competition shall progress as follows:

27 (1) Competitive proposals shall be evaluated by using only the  
28 criteria and selection procedures specifically identified in the  
29 request for proposals. However, the following minimum factors  
30 shall be weighted as deemed appropriate by the contracting  
31 transportation entity:

32 (A) Price.

33 (B) Technical design and construction expertise.

34 (C) Life-cycle costs over 15 years or more.

35 (2) Pursuant to subdivision (b), the transportation entity may  
36 hold discussions or negotiations with responsive bidders using the  
37 process articulated in the transportation entity's request for  
38 proposals.

(3) When the evaluation is complete, the top three responsive bidders shall be ranked sequentially based on a determination of value provided.

(4) The award of the contract shall be made to the responsible bidder whose proposal is determined by the transportation entity to have offered the best value to the public.

(5) Notwithstanding any other provision of this code, upon issuance of a contract award, the transportation entity shall publicly announce its award, identifying the contractor to whom the award is made, along with a written decision supporting its contract award and stating the basis of the award. The notice of award shall also include the transportation entity's second- and third-ranked design-build entities.

(6) The written decision supporting the transportation entity's contract award, described in paragraph (5), and the contract file shall provide sufficient information to satisfy an external audit.

6825. (a) The design-build entity shall provide payment and performance bonds for the project in the form and in the amount required by the transportation entity, and issued by a California admitted surety. In no case shall the amount of the payment bond be less than the amount of the performance bond.

(b) The design-build contract shall require errors and omissions insurance coverage for the design elements of the project.

6826. (a) The transportation entity, in each design-build request for proposals, may identify specific types of subcontractors that must be included in the design-build entity statement of qualifications and proposal. All construction subcontractors that are identified in the proposal shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1 of Division 2.

(b) In awarding subcontracts not listed in the request for proposals, the design-build entity shall do all of the following:

(1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the transportation entity.

(2) Provide a fixed date and time on which the subcontracted work will be awarded.

(3) Establish reasonable qualification criteria and standards.

(4) Provide that the subcontracted construction work shall be awarded either on a best value basis or to the lowest responsible bidder. For construction work awarded on a best value basis, the design-build entity shall evaluate all bids utilizing the factors described in paragraph (1) of subdivision (e) of Section 6824, and shall award the contract to the bidder determined by the design-build entity to have offered the best value.

(c) Subcontractors awarded subcontracts under this chapter shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1 of Division 2.

6827. Nothing in this chapter affects, expands, alters, or limits any rights or remedies otherwise available at law.

6828. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

6829. (a) This chapter shall remain in effect only until January 1, ~~2018~~ 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2018~~ 2024, deletes or extends that date.

(b) *Notwithstanding subdivision (a), if any provision or application of Section 91.2 of the Streets and Highways Code is held invalid by a court of competent jurisdiction, this chapter shall be repealed one year from the date in which the department posts on its Internet Web site that Section 91.2 of the Streets and Highways Code has been held invalid.*

(c) *The repeal of this chapter shall not affect an executed design-build contract or cooperative agreement entered into pursuant to this chapter prior to the date of its repeal, regardless of the stage of the project at the time of repeal.*

SEC. 4. Section 91.2 is added to the Streets and Highways Code, to read:

91.2. (a) *The department shall perform construction inspection services for projects on or interfacing with the state highway system authorized pursuant to Chapter 6.5 (commencing with Section 6820) of Part 1 of Division 2 of the Public Contract Code. The department shall use department employees or consultants under contract with the department to perform the services described in this subdivision and subdivision (b), consistent with Article XXII of the California Constitution. Construction inspection services*

1 performed by the department for those projects, include, but are  
2 not limited to, material source testing, certification testing,  
3 surveying, monitoring of environmental compliance, independent  
4 quality control testing and inspection, and quality assurance audits.  
5 The construction inspection duties and responsibilities of the  
6 department shall include a direct reporting relationship between  
7 the inspectors and senior department engineers responsible for  
8 all inspectors and construction inspection services. The senior  
9 department engineer responsible for construction inspection  
10 services shall be responsible for the acceptance or rejection of the  
11 work.

12 (b) Notwithstanding any other law, the department shall retain  
13 the authority to stop the contractor's operation wholly or in part  
14 and take appropriate action when public safety is jeopardized on  
15 a project on or interfacing with the state highway system authorized  
16 pursuant to Chapter 6.5 (commencing with Section 6820) of Part  
17 1 of Division of the Public Contract Code. The department shall  
18 ensure that public safety and convenience is maintained whenever  
19 work is performed under an encroachment permit within the state  
20 highway right-of-way, including, but not limited to, work performed  
21 that includes lane closures, signing, work performed at night,  
22 detours, dust control, temporary pavement quality, crash cushions,  
23 temporary railings, pavement transitions, falsework, shoring, and  
24 delineation. The department shall regularly inspect the job sites  
25 for safety compliance and any possible deficiencies. If any  
26 deficiency is observed, a written notice shall be sent by the  
27 department to the regional transportation agency's designated  
28 resident engineer to correct the deficiency. Once the deficiency is  
29 corrected, a written notice describing the resolution of the  
30 deficiency shall be sent to the department and documented.

31 (c) The department shall use department employees or  
32 consultants under contract with the department to perform the  
33 services described in subdivisions (a) and (b), consistent with  
34 Article XXII of the California Constitution. Department employee  
35 and consultant resources necessary for the performance of those  
36 services, including personnel requirements, shall be included in  
37 the department's capital outlay support program for workload  
38 purposes in the annual Budget Act.

1 (d) *This section shall remain in effect only until January 1, 2024,*  
2 *and as of that date is repealed, unless a later enacted statute, that*  
3 *is enacted before January 1, 2024, deletes or extends that date.*

4 (e) *If any provision or application of this section is held invalid*  
5 *by a court of competent jurisdiction, the department shall post on*  
6 *its Internet Web site within 10 business days of the decision of*  
7 *invalidity that this section has been held invalid.*

8 ~~SEC. 2. The Legislature finds and declares that a special law~~  
9 ~~is necessary and that a general law cannot be made applicable~~  
10 ~~within the meaning of Section 16 of Article IV of the California~~  
11 ~~Constitution because of the unique need to build and improve~~  
12 ~~highways located in the County of Orange in a cost-effective~~  
13 ~~manner.~~

14 *SEC. 5. Section 143 of the Streets and Highways Code is*  
15 *amended to read:*

16 143. (a) (1) “Best value” means a value determined by  
17 objective criteria, including, but not limited to, price, features,  
18 functions, life-cycle costs, and other criteria deemed appropriate  
19 by the department or the regional transportation agency.

20 (2) “Contracting entity or lessee” means a public or private  
21 entity, or consortia thereof, that has entered into a comprehensive  
22 development lease agreement with the department or a regional  
23 transportation agency for a transportation project pursuant to this  
24 section.

25 (3) “Design-build” means a procurement process in which both  
26 the design and construction of a project are procured from a single  
27 entity.

28 (4) “Regional transportation agency” means any of the  
29 following:

30 (A) A transportation planning agency as defined in Section  
31 29532 or 29532.1 of the Government Code.

32 (B) A county transportation commission as defined in Section  
33 130050, 130050.1, or 130050.2 of the Public Utilities Code.

34 (C) Any other local or regional transportation entity that is  
35 designated by statute as a regional transportation agency.

36 (D) A joint exercise of powers authority as defined in Chapter  
37 5 (commencing with Section 6500) of Division 7 of Title 1 of the  
38 Government Code, with the consent of a transportation planning  
39 agency or a county transportation commission for the jurisdiction  
40 in which the transportation project will be developed.

1 (E) A local transportation authority designated pursuant to  
2 Division 19 (commencing with Section 180000) of the Public  
3 Utilities Code.

4 (F) The Santa Clara Valley Transportation Authority established  
5 pursuant to Part 12 (commencing with Section 100000) of Division  
6 10 of the Public Utilities Code.

7 (5) “Public Infrastructure Advisory Commission” means a unit  
8 or auxiliary organization established by the Business,  
9 Transportation and Housing Agency that advises the department  
10 and regional transportation agencies in developing transportation  
11 projects through performance-based infrastructure partnerships.

12 (6) “Transportation project” means one or more of the following:  
13 planning, design, development, finance, construction,  
14 reconstruction, rehabilitation, improvement, acquisition, lease,  
15 operation, or maintenance of highway, public street, rail, or related  
16 facilities supplemental to existing facilities currently owned and  
17 operated by the department or regional transportation agencies  
18 that is consistent with the requirements of subdivision (c).

19 (b) (1) The Public Infrastructure Advisory Commission shall  
20 do all of the following:

21 (A) Identify transportation project opportunities throughout the  
22 state.

23 (B) Research and document similar transportation projects  
24 throughout the state, nationally, and internationally, and further  
25 identify and evaluate lessons learned from these projects.

26 (C) Assemble and make available to the department or regional  
27 transportation agencies a library of information, precedent,  
28 research, and analysis concerning infrastructure partnerships and  
29 related types of public-private transactions for public infrastructure.

30 (D) Advise the department and regional transportation agencies,  
31 upon request, regarding infrastructure partnership suitability and  
32 best practices.

33 (E) Provide, upon request, procurement-related services to the  
34 department and regional transportation agencies for infrastructure  
35 partnership.

36 (2) The Public Infrastructure Advisory Commission may charge  
37 a fee to the department and regional transportation agencies for  
38 the services described in subparagraphs (D) and (E) of paragraph  
39 (1), the details of which shall be articulated in an agreement entered

1 into between the Public Infrastructure Advisory Commission and  
2 the department or the regional transportation agency.

3 (c) (1) Notwithstanding any other provision of law, only the  
4 department, in cooperation with regional transportation agencies,  
5 and regional transportation agencies, may solicit proposals, accept  
6 unsolicited proposals, negotiate, and enter into comprehensive  
7 development lease agreements with public or private entities, or  
8 consortia thereof, for transportation projects.

9 (2) Projects proposed pursuant to this section and associated  
10 lease agreements shall be submitted to the California Transportation  
11 Commission. The commission, at a regularly scheduled public  
12 hearing, shall select the candidate projects from projects nominated  
13 by the department or a regional transportation agency after  
14 reviewing the nominations for consistency with paragraphs (3)  
15 and (4). Approved projects may proceed with the process described  
16 in paragraph (5).

17 (3) The projects authorized pursuant to this section shall be  
18 primarily designed to achieve the following performance  
19 objectives:

20 (A) Improve mobility by improving travel times or reducing  
21 the number of vehicle hours of delay in the affected corridor.

22 (B) Improve the operation or safety of the affected corridor.

23 (C) Provide quantifiable air quality benefits for the region in  
24 which the project is located.

25 (4) In addition to meeting the requirements of paragraph (3),  
26 the projects authorized pursuant to this section shall address a  
27 known forecast demand, as determined by the department or  
28 regional transportation agency.

29 (5) At least 60 days prior to executing a final lease agreement  
30 authorized pursuant to this section, the department or regional  
31 transportation agency shall submit the agreement to the Legislature  
32 and the Public Infrastructure Advisory Commission for review.  
33 Prior to submitting a lease agreement to the Legislature and the  
34 Public Infrastructure Advisory Commission, the department or  
35 regional transportation agency shall conduct at least one public  
36 hearing at a location at or near the proposed facility for purposes  
37 of receiving public comment on the lease agreement. Public  
38 comments made during this hearing shall be submitted to the  
39 Legislature and the Public Infrastructure Advisory Commission  
40 with the lease agreement. The Secretary of Business, Transportation

1 and Housing or the chairperson of the Senate or Assembly fiscal  
2 committees or policy committees with jurisdiction over  
3 transportation matters may, by written notification to the  
4 department or regional transportation agency, provide any  
5 comments about the proposed agreement within the 60-day period  
6 prior to the execution of the final agreement. The department or  
7 regional transportation agency shall consider those comments prior  
8 to executing a final agreement and shall retain the discretion for  
9 executing the final lease agreement.

10 (d) For the purpose of facilitating those projects, the agreements  
11 between the parties may include provisions for the lease of  
12 rights-of-way in, and airspace over or under, highways, public  
13 streets, rail, or related facilities for the granting of necessary  
14 easements, and for the issuance of permits or other authorizations  
15 to enable the construction of transportation projects. Facilities  
16 subject to an agreement under this section shall, at all times, be  
17 owned by the department or the regional transportation agency,  
18 as appropriate. For department projects, the commission shall  
19 certify the department's determination of the useful life of the  
20 project in establishing the lease agreement terms. In consideration  
21 therefor, the agreement shall provide for complete reversion of the  
22 leased facility, together with the right to collect tolls and user fees,  
23 to the department or regional transportation agency, at the  
24 expiration of the lease at no charge to the department or regional  
25 transportation agency. At the time of the reversion, the facility  
26 shall be delivered to the department or regional transportation  
27 agency, as applicable, in a condition that meets the performance  
28 and maintenance standards established by the department or  
29 regional transportation agency and that is free of any encumbrance,  
30 lien, or other claims.

31 (e) Agreements between the department or regional  
32 transportation agency and the contracting entity or lessee shall  
33 authorize the contracting entity or lessee to use a design-build  
34 method of procurement for transportation projects, subject to the  
35 requirements for utilizing such a method contained in Chapter 6.5  
36 (commencing with Section 6800) of Part 1 of Division 2 of the  
37 Public Contract Code, other than Sections 6802, 6803, and 6813  
38 of that code, if those provisions are enacted by the Legislature  
39 during the 2009–10 Regular Session, or a 2009–10 extraordinary  
40 session.



(f) (1) (A) Notwithstanding any other provision of this chapter, for projects on the state highway system, the department is the responsible agency for the performance of project development services, including performance specifications, preliminary engineering, prebid services, the preparation of project reports and environmental documents, and construction inspection services. The department is also the responsible agency for the preparation of documents that may include, but need not be limited to, the size, type, and desired design character of the project, performance specifications covering the quality of materials, equipment, and workmanship, preliminary plans, and any other information deemed necessary to describe adequately the needs of the department or regional transportation agency.

(B) The department may use department employees or consultants to perform the services described in subparagraph (A), consistent with Article XXII of the California Constitution. Department resources, including personnel requirements, necessary for the performance of those services shall be included in the department's capital outlay support program for workload purposes in the annual Budget Act.

(2) The department or a regional transportation agency may exercise any power possessed by it with respect to transportation projects to facilitate the transportation projects pursuant to this section. The department, regional transportation agency, and other state or local agencies may provide services to the contracting entity or lessee for which the public entity is reimbursed, including, but not limited to, planning, environmental planning, environmental certification, environmental review, preliminary design, design, right-of-way acquisition, construction, maintenance, and policing of these transportation projects. The department or regional transportation agency, as applicable, shall regularly inspect the facility and require the contracting entity or lessee to maintain and operate the facility according to adopted standards. Except as may otherwise be set forth in the lease agreement, the contracting entity or lessee shall be responsible for all costs due to development, maintenance, repair, rehabilitation, and reconstruction, and operating costs.

(g) (1) In selecting private entities with which to enter into these agreements, notwithstanding any other provision of law, the department and regional transportation agencies may utilize, but

1 are not limited to utilizing, one or more of the following  
2 procurement approaches:

3 (A) Solicitations of proposals for defined projects and calls for  
4 project proposals within defined parameters.

5 (B) Prequalification and short-listing of proposers prior to final  
6 evaluation of proposals.

7 (C) Final evaluation of proposals based on qualifications and  
8 best value. The California Transportation Commission shall  
9 develop and adopt criteria for making that evaluation prior to  
10 evaluation of a proposal.

11 (D) Negotiations with proposers prior to award.

12 (E) Acceptance of unsolicited proposals, with issuance of  
13 requests for competing proposals. Neither the department nor a  
14 regional transportation agency may award a contract to an  
15 unsolicited bidder without receiving at least one other responsible  
16 bid.

17 (2) When evaluating a proposal submitted by the contracting  
18 entity or lessee, the department or the regional transportation  
19 agency may award a contract on the basis of the lowest bid or best  
20 value.

21 (h) The contracting entity or lessee shall have the following  
22 qualifications:

23 (1) Evidence that the members of the contracting entity or lessee  
24 have completed, or have demonstrated the experience, competency,  
25 capability, and capacity to complete, a project of similar size,  
26 scope, or complexity, and that proposed key personnel have  
27 sufficient experience and training to competently manage and  
28 complete the design and construction of the project, and a financial  
29 statement that ensures that the contracting entity or lessee has the  
30 capacity to complete the project.

31 (2) The licenses, registration, and credentials required to design  
32 and construct the project, including, but not limited to, information  
33 on the revocation or suspension of any license, credential, or  
34 registration.

35 (3) Evidence that establishes that members of the contracting  
36 entity or lessee have the capacity to obtain all required payment  
37 and performance bonding, liability insurance, and errors and  
38 omissions insurance.

39 (4) Evidence that the contracting entity or lessee has workers'  
40 compensation experience, history, and a worker safety program

1 of members of the contracting entity or lessee that is acceptable  
2 to the department or regional transportation agency.

3 (5) A full disclosure regarding all of the following with respect  
4 to each member of the contracting entity or lessee during the past  
5 five years:

6 (A) Any serious or willful violation of Part 1 (commencing with  
7 Section 6300) of Division 5 of the Labor Code or the federal  
8 Occupational Safety and Health Act of 1970 (P.L. 91-596).

9 (B) Any instance where members of the contracting entity or  
10 lessee were debarred, disqualified, or removed from a federal,  
11 state, or local government public works project.

12 (C) Any instance where members of the contracting entity or  
13 lessee, or its owners, officers, or managing employees submitted  
14 a bid on a public works project and were found to be nonresponsive  
15 or were found by an awarding body not to be a responsible bidder.

16 (D) Any instance where members of the contracting entity or  
17 lessee, or its owners, officers, or managing employees defaulted  
18 on a construction contract.

19 (E) Any violations of the Contractors' State License Law  
20 (Chapter 9 (commencing with Section 7000) of Division 3 of the  
21 Business and Professions Code), including, but not limited to,  
22 alleged violations of federal or state law regarding the payment of  
23 wages, benefits, apprenticeship requirements, or personal income  
24 tax withholding, or Federal Insurance Contributions Act (FICA)  
25 withholding requirements.

26 (F) Any bankruptcy or receivership of any member of the  
27 contracting entity or lessee, including, but not limited to,  
28 information concerning any work completed by a surety.

29 (G) Any settled adverse claims, disputes, or lawsuits between  
30 the owner of a public works project and any member of the  
31 contracting entity or lessee during the five years preceding  
32 submission of a bid under this article, in which the claim,  
33 settlement, or judgment exceeds fifty thousand dollars (\$50,000).  
34 Information shall also be provided concerning any work completed  
35 by a surety during this five-year period.

36 (H) If the contracting entity or lessee is a partnership, joint  
37 venture, or an association that is not a legal entity, a copy of the  
38 agreement creating the partnership or association that specifies  
39 that all general partners, joint venturers, or association members  
40 agree to be fully liable for the performance under the agreement.

(i) No agreement entered into pursuant to this section shall infringe on the authority of the department or a regional transportation agency to develop, maintain, repair, rehabilitate, operate, or lease any transportation project. Lease agreements may provide for reasonable compensation to the contracting entity or lessee for the adverse effects on toll revenue or user fee revenue due to the development, operation, or lease of supplemental transportation projects with the exception of any of the following:

(1) Projects identified in regional transportation plans prepared pursuant to Section 65080 of the Government Code.

(2) Safety projects.

(3) Improvement projects that will result in incidental capacity increases.

(4) Additional high-occupancy vehicle lanes or the conversion of existing lanes to high-occupancy vehicle lanes.

(5) Projects located outside the boundaries of a public-private partnership project, to be defined by the lease agreement.

However, compensation to a contracting entity or lessee shall only be made after a demonstrable reduction in use of the facility resulting in reduced toll or user fee revenues, and may not exceed the difference between the reduction in those revenues and the amount necessary to cover the costs of debt service, including principal and interest on any debt incurred for the development, operation, maintenance, or rehabilitation of the facility.

(j) (1) Agreements entered into pursuant to this section shall authorize the contracting entity or lessee to impose tolls and user fees for use of a facility constructed by it, and shall require that over the term of the lease the toll revenues and user fees be applied to payment of the capital outlay costs for the project, the costs associated with operations, toll and user fee collection, administration of the facility, reimbursement to the department or other governmental entity for the costs of services to develop and maintain the project, police services, and a reasonable return on investment. The agreement shall require that, notwithstanding Sections 164, 188, and 188.1, any excess toll or user fee revenue either be applied to any indebtedness incurred by the contracting entity or lessee with respect to the project, improvements to the project, or be paid into the State Highway Account, or for all three purposes, except that any excess toll revenue under a lease agreement with a regional transportation agency may be paid to

1 the regional transportation agency for use in improving public  
2 transportation in and near the project boundaries.

3 (2) Lease agreements shall establish specific toll or user fee  
4 rates. Any proposed increase in those rates not otherwise  
5 established or identified in the lease agreement during the term of  
6 the agreement shall first be approved by the department or regional  
7 transportation agency, as appropriate, after at least one public  
8 hearing conducted at a location near the proposed or existing  
9 facility.

10 (3) The collection of tolls and user fees for the use of these  
11 facilities may be extended by the commission or regional  
12 transportation agency at the expiration of the lease agreement.  
13 However, those tolls or user fees shall not be used for any purpose  
14 other than for the improvement, continued operation, or  
15 maintenance of the facility.

16 (k) Agreements entered into pursuant to this section shall include  
17 indemnity, defense, and hold harmless provisions agreed to by the  
18 department or regional transportation agency and the contracting  
19 entity or lessee, including provisions for indemnifying the State  
20 of California or the regional transportation agency against any  
21 claims or losses resulting or accruing from the performance of the  
22 contracting entity or lessee.

23 (l) The plans and specifications for each transportation project  
24 on the state highway system developed, maintained, repaired,  
25 rehabilitated, reconstructed, or operated pursuant to this section  
26 shall comply with the department's standards for state  
27 transportation projects. The lease agreement shall include  
28 performance standards, including, but not limited to, levels of  
29 service. The agreement shall require facilities on the state highway  
30 system to meet all requirements for noise mitigation, landscaping,  
31 pollution control, and safety that otherwise would apply if the  
32 department were designing, building, and operating the facility.  
33 If a facility is on the state highway system, the facility leased  
34 pursuant to this section shall, during the term of the lease, be  
35 deemed to be a part of the state highway system for purposes of  
36 identification, maintenance, enforcement of traffic laws, and for  
37 the purposes of Division 3.6 (commencing with Section 810) of  
38 Title 1 of the Government Code.

39 (m) Failure to comply with the lease agreement in any significant  
40 manner shall constitute a default under the agreement and the

1 department or the regional transportation agency, as appropriate,  
2 shall have the option to initiate processes to revert the facility to  
3 the public agency.

4 (n) The assignment authorized by subdivision (c) of Section  
5 130240 of the Public Utilities Code is consistent with this section.

6 (o) A lease to a private entity pursuant to this section is deemed  
7 to be public property for a public purpose and exempt from  
8 leasehold, real property, and ad valorem taxation, except for the  
9 use, if any, of that property for ancillary commercial purposes.

10 (p) Nothing in this section is intended to infringe on the authority  
11 to develop high-occupancy toll lanes pursuant to Section 149.4,  
12 149.5, or 149.6.

13 (q) Nothing in this section shall be construed to allow the  
14 conversion of any existing nontoll or nonuser-fee lanes into tolled  
15 or user fee lanes with the exception of a high-occupancy vehicle  
16 lane that may be operated as a high-occupancy toll lane for vehicles  
17 not otherwise meeting the requirements for use of that lane.

18 (r) The lease agreement shall require the contracting entity or  
19 lessee to provide any information or data requested by the  
20 California Transportation Commission or the Legislative Analyst.  
21 The commission, in cooperation with the Legislative Analyst, shall  
22 annually prepare a report on the progress of each project and  
23 ultimately on the operation of the resulting facility. The report  
24 shall include, but not be limited to, a review of the performance  
25 standards, a financial analysis, and any concerns or  
26 recommendations for changes in the program authorized by this  
27 section.

28 (s) Notwithstanding any other provision of this section, no lease  
29 agreement may be entered into pursuant to the section that affects,  
30 alters, or supersedes the Memorandum of Understanding (MOU),  
31 dated November 26, 2008, entered into by the Golden Gate Bridge  
32 Highway and Transportation District, the Metropolitan  
33 Transportation Commission, and the San Francisco County  
34 Transportation Authority, relating to the financing of the U.S.  
35 Highway 101/Doyle Drive reconstruction project located in the  
36 City and County of San Francisco.

37 (t) No lease agreements may be entered into under this section  
38 on or after January 1, 2017.

~~SEC. 3.~~

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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# REPORT

**DATE:** August 20, 2013

**TO:** Legislative/Communications & Membership Committee (LCMC)

**FROM:** Darin Chidsey; Acting Director, Strategy, Policy & Public Affairs; (213)-236-1836;  
[chidsey@scag.ca.gov](mailto:chidsey@scag.ca.gov)

**SUBJECT:** 2013 Legislative Session Bills of Interest

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## RECOMMENDED ACTION:

For information only; no action required.

## EXECUTIVE SUMMARY:

*This report summarizes bills that are moving through the legislative process that the Legislative/Communications and Membership Committee (LCMC) has recommended action upon, or that may be of particular interest to the committee and to SCAG's regional partners. Staff has closely monitored these bills throughout the session and, where directed by the Regional Council, has worked with the author and other stakeholders to implement board direction. Staff will continue to apprise the committee of any relevant developments to these bills.*

## STRATEGIC PLAN:

This item supports SCAG's Strategic Plan, Goal 2: Obtain Regional Transportation Infrastructure Funding and Promote Legislative Solutions for Regional Planning Priorities; Objective b) Identify and support legislative initiatives.

## BACKGROUND:

- AB 8 (Perea and Skinner) - Alternative fuel and vehicle technologies: funding. Requires the State Energy Resources and Development Commission to develop a hydrogen fueling network of 100 conveniently located stations. The bill provides \$20 million would be allocated for financial assistance, and also extends the Carl Moyer Air Quality Standards Attainment Program and funds a broader range of projects. Adjusts a number of fees to pay for the program, including the smog abatement fee (\$8 increase), the vehicle registration fee (\$3 increase) and a surcharge (\$2) on motor vehicle fees for local air districts to fund emission reductions programs. *Hearing scheduled, Senate Transportation and Housing Committee, 8/20/2013. Deadline to pass fiscal committee is August 26.*
- AB 14 (Lowenthal) - State freight plan. Requires the Transportation Agency to prepare a state freight plan to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. The bill establishes a freight advisory committee sets a December 2014 goal for the initial state freight plan. This bill is consistent with provisions of the MAP-21 surface transportation reauthorization law. *Senate 3<sup>rd</sup> Reading File. Deadline to pass to Governor, 9/09/2013.*
- AB 325 (Alejo) - Land use and planning: cause of actions: time limitations. The bill would authorize the notice for an action or proceeding against local zoning and planning decisions of a legislative body to be filed any time within 3 years after an action taken pursuant to certain laws,



and would set a 270-day period for notice with respect to an adopted or revised housing element that is found to substantially comply with law. For cities with a self-certified housing element, AB 325 would expand the current statute of limitations from one year and 150 days to four years and 60 days. For cities with an HCD-certified housing element, AB 325 would still expand the statute of limitations to four years over density bonus ordinances, least-cost zoning laws, growth limitation ordinances and anything else related to the implementation of the housing element or decisions on affordable housing projects. *Senate 3<sup>rd</sup> Reading File. Deadline to pass to Governor, 9/09/2013.*

- AB 466 (Quirk-Silva) - Public transportation: local transportation fund. The bill updates references in state statute to reflect the new federal transportation funding authorization act, MAP-21, and requires Caltrans to sub-allocate CMAQ funds pursuant to weighted factors that considers population and pollution in a given area, and are virtually identical to those previously specified in federal law (SAFETEA-LU). *Senate 3<sup>rd</sup> Reading File. Deadline to pass to Governor, 9/09/2013.*
- AB 564 (Mullin) - Community redevelopment: successor agencies. This bill would prohibit the Department of Finance (DOF) from taking any future action to modify the enforceable obligations of successor agencies charged with winding down the affairs of dissolved Redevelopment Agencies (RDAs) regarding remittance of unencumbered RDA funds to the auditor-controller, transfer and liquidation of former RDA real property, and other such actions, following the effective date of the approval of those enforceable obligations after review by the oversight board and the department. *Hearing scheduled, Senate Appropriations Committee, 8/12/2013. Deadline to pass fiscal committee is August 26.*
- AB 1080 (Alejo) - Community Revitalization and Investment Authorities. The bill authorizes a local government or local governments jointly of a community revitalization and investment area to establish a community revitalization and investment authority (authority) to carry out the Community Redevelopment Law to use tax increment revenues to invest in disadvantaged communities. Bill provisions specify how the board of the authority would be constituted. *Hearing scheduled, Senate Appropriations Committee, 8/19/2013. Deadline to pass fiscal committee is August 26.*
- AB 1290 (Perez) – Transportation Planning. The bill would expands the membership of the California Transportation Commission (CTC) by adding two voting members: one appointed by the Assembly Speaker and one appointed by the Senate Rules Committee, and three ex-officio, non-voting members: The Secretary of the Transportation Agency, the Chair of Air Resources Board, and the Director of the Department of Housing and Community Development. The bill requires the CTC's Planning Committee to monitor land use and transportation outcomes in accordance with regional Sustainable Communities' Strategies. Each MPO would make a biennial report to the CTC on SCS implementation. *Hearing scheduled, Senate Appropriations Committee, 8/12/2013. Deadline to pass fiscal committee is August 26.*
- SB 1 (Steinberg) - Sustainable Communities Investment Authority. Authorizes formation of a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. The Authority must develop an investment plan for a defined area and may use tax increment revenues under specified criteria. Bill provisions require an independent financial and performance audit is required every 5 years, and prevailing wage laws must apply. *Hearing*

# REPORT

*scheduled, Assembly Committee on Local Government, 8/14/2013. Deadline to pass fiscal committee is August 26.*

- SB 7 (Cannella and Steinberg) - Public works: charter cities. The bill would prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has a voter-approved charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by (non-state) city funds. *Hearing scheduled, Assembly Committee on Labor and Employment, 8/14/2013. Deadline to pass fiscal committee is August 26.*
- SB 11 (Cannella and Pavley) - Alternative fuel and vehicle technologies: funding programs. Requires the State Energy Resources and Development Commission to develop a hydrogen fueling network of 100 conveniently located stations. The bill provides \$20 million would be allocated for financial assistance, and also extends the Carl Moyer Air Quality Standards Attainment Program and funds a broader range of projects. Adjusts a number of fees to pay for the program, including the smog abatement fee (\$8 increase), the vehicle registration fee (\$3 increase) and a surcharge (\$2) on motor vehicle fees for local air districts to fund emission reductions programs. *Hearing scheduled, Assembly Natural Resources Committee, 8/12/2013. Deadline to pass fiscal committee is August 26.*
- SB 33 (Wolk) – Infrastructure Finance Districts: voter approval. Eliminates the need for voter approval to create an infrastructure financing district (IFD). Instead, the bill would authorize a public financing authority, consisting of 5 members, 3 of whom are city or county that established the district, and 2 of whom are members of the public, to adopt the infrastructure financing plan, subject to approval by the legislative body, and issue bonds by majority vote. Bill provisions prohibit financial assistance to a vehicle dealer or big box retailer; creates a public accountability committee; and requires that the IFD would have to cease within 40 years. *Assembly 3<sup>rd</sup> Reading File. Deadline to pass to Governor, 9/09/2013.*
- SB 203 (Pavley) - Local transportation funds: Ventura County. The Ventura County Transportation Commission (VCTC) sponsored bill would repeal certain provisions that uniquely govern Ventura County's local transportation funds; and impose reporting requirements, until September 1, 2018, on VCTC on specific issues related to transit operations in the county. *Hearing scheduled, Assembly Appropriations Committee, 8/14/2013. Deadline to pass fiscal committee is August 26.*
- SB 751 (Yee) - Meetings: Publication of Action Taken. The Ralph M. Brown Act establishes procedures to ensure public access to information maintained by local agencies and that the decisions made by public agencies are done in an open and transparent fashion. For closed meetings and meetings conducted by teleconference, the Brown Act requires local agencies' legislative bodies to report the votes of individual officials, so that the public is aware of how individual boards members vote when the vote is not taken in the public's presence. State law does not require local agencies to report individual officials' votes that are cast during open meetings. This bill requires local agencies to publicly report any action taken and to report the individual vote or abstention of each member present. The bill's provisions would apply to all local agencies, including Councils of Governments, Regional Transportation Planning Agencies, and Metropolitan Planning Organizations. *Passed Assembly (77-0) on 8/08/2013; in Senate Unfinished Business file, concurrence in Assembly amendments pending. Deadline to pass to*

# REPORT

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*Governor is 9/09/2013. This bill affects SCAG Regional Council Board meetings reporting. Staff will have a report on potential next steps at the meeting.*

**ATTACHMENT:**

None.

**SCAG California Legislative Matrix****August 2013****ENVIRONMENT****Alternative Fuel: Vehicle Technologies: Funding Program****STATUS:** Passed to SENATE**AB 8****Author**

Perea

**Location**

Senate: T&amp;H, EQ

**Next Hearing**

T&amp;H: 8/20/2013

**Positions**

Metro: Support

Metrolink: Support in

Concept

**Party**

D

**Bill Summary**

Provides the State Air Resources Board has no authority to enforce any element of its existing clean fuels outlet regulation or other regulation that requires or has the effect of requiring any person to construct, operate, or provide funding for the construction or operation of any publicly available hydrogen fueling station. Requires the public disclosure of the number of vehicles sold or leased. Requires grants and loans for a sufficient hydrogen fueling network. Extends a vehicle registration charge. Extends the Carl Moyer Program, and a vehicle registration charge to fund the Carl Moyer Program, to January 1, 2024.

**Recent Activity**

Introduced on 12/03/2012. To Assembly Committees on Transportation and Natural Resources on 01/14/2013. From Transportation: Not heard on 02/04/2013. From Transportation: Do pass (10-3) to Natural Resources on 04/08/2013. From Natural Resources: Do pass (6-2) to Appropriations on 05/06/2013. Amended, re-referred to Appropriations on 05/13/2013. From Appropriations: Do pass (11-3) on 05/24/2013. From Assembly: Urgency Clause adopted, passed (54-20) to Senate on 06/27/2013. To Senate Committees on Transportation & Housing and Environmental Quality on 07/03/2013. Author's amendments, re-referred to Transportation & Housing on 08/12/2013.

**TRANSPORTATION****State Freight Plan****STATUS:** Passed to SENATE**AB 14****Author**

Lowenthal, B.

**Location**

Senate

**Next Hearing**

Third Reading File

**Positions**

SCAG: Support in

Concept

CA League: Support

CSAC: Support

RCTC: Support

SANBAG: Support in

Concept

**Party**

D

**Bill Summary**

Requires the Transportation Agency to prepare a state freight plan with specified elements to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. Requires the agency to establish a freight advisory committee.

**Recent Activity**

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (13-4) on 05/24/2013. From Assembly: passed (59-18) to Senate on 05/28/2013. To Senate Committee on Transportation & Housing on 06/06/2013. From Transportation & Housing: Do pass (10-0) to Appropriations on 06/18/2013. From Appropriations: To Second Reading without further hearing on

**CAP & TRADE****Greenhouse Gas Reduction Fund****STATUS:** Passed to SENATE**AB 26****Author**

Bonilla

**Location**

Senate: LIR

**Next Hearing****Positions****Party**

D

**Bill Summary**

Requires projects paid for in whole or in part from the Greenhouse Gas Reduction Fund to be considered public works. Authorizes fund moneys to be made available for refinery work if that work is related to reducing greenhouse gases that falls within an apprenticeable occupation that will be performed by journeypersons and apprentices. Requires an apprentice safety training curriculum. Requires the issuance of a certificate to a worker who completes the curriculum. Relates to paying training wages.

**Recent Activity**

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (12-5) on 05/24/2013. From Assembly: Passed (51-25) to Senate on 05/30/2013. To Senate Committees on Environmental Quality and Labor & Industrial Relations on 06/13/2013. From Environmental Quality: Do pass (7-2) to Labor & Industrial Relations on 06/19/2013. From Labor & Industrial Relations: Not heard in committee on 06/26/2013. From Labor & Industrial Relations: Not heard in committee on

# SCAG California Legislative Matrix

August 2013

## FINANCE: TAX CREDIT Community Development Investment Tax Credits

**STATUS:** Passed to SENATE

**AB 32**

**Author**

Perez, J.

**Location**

Senate: A

**Next Hearing**

**Positions**

**Party**

D

### Bill Summary

Amends the Personal Income Tax Law and the Corporation Tax Law that provides a credit for a qualified investment made into a community development financial institution. Increases the limitation on the aggregate amount of qualified investments. Prohibits the total amount of investments to any one community development financial institution. Requires that the annual aggregate amount of qualified investments be reserved for investment amounts of less than or equal to a specified amount.

### Recent Activity

From Appropriations: Do pass (16-0) on 05/24/2013. From Assembly: Passed (77-1) to Senate on 05/28/2013. To Senate Committee on Governance & Finance on 06/06/2013. From Governance & Finance: Do pass to Appropriations on 08/14/2013.

## ECONOMIC DEVELOPMENT

**AB 53**

**Author**

Perez, J.

**Location**

Senate

**Next Hearing**

To Suspense File

**Positions**

**Party**

D

## Biennial California Economic Development Plan

### Bill Summary

Requires the Governor's Office of Business and Economic Development to lead the preparation of a California Economic Development Strategic Plan. Requires an employer to provide notice of a mass layoff, relocation, or termination of a business to the office and the Employment Development Department to post the notice on its Internet Web site.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: Do pass (12-5) on 05/24/2013. From Assembly: Passed (55-21) to Senate on 05/30/2013. To Senate Committee on Business, Professions & Economic Development on 06/13/2013. Author's amendments, re-referred to Business, Professions & Economic Development on 06/25/2013. From Business, Professions & Economic Development: Do pass (8-1) to Appropriations on 07/01/2013. Amended, re-referred to Appropriations on 07/03/2013. From Appropriations: To Suspense File on 08/12/2013.

## ENVIRONMENT

## Salton Sea Restoration

**STATUS:** Passed to SENATE

**AB 71**

**Author**

Perez, V.

**Location**

Senate

**Next Hearing**

Suspense File

**Positions**

**Party**

D

### Bill Summary

Requires the Secretary of the Natural Resources Agency to lead Salton Sea restoration efforts. Requires the secretary to form a technical advisory group to provide guidance about evaluating, developing, or proposing future restoration or economic development activities. Requires the secretary to seek input from the Salton Sea Authority with regard to specified components of the restoration of the Salton Sea. Authorizes a restoration funding and feasibility study by the Authority.

### Recent Activity

Introduced on 01/10/2013. To Assembly Committee on Water, Parks & Wildlife on 01/24/2013. Author's amendments, re-referred to Water, Parks & Wildlife on 03/18/2013. From Water, Parks & Wildlife: Do pass (15-0) to Appropriations on 04/02/2013. From Appropriations: Do pass (17-0) on 04/10/2013. From Assembly: Passed (76-0) to Senate on 04/25/2013. To Senate Committee on Natural Resources & Water on 05/09/2013. From Natural Resources & Water: Do pass (8-1) to Appropriations on 06/11/2013. From Appropriations: To Suspense File on 06/24/2013.

## BUDGET TRAILER BILL State Government

**STATUS:** VETOED by GOVERNOR

**AB 76**

**Author**

Assembly Budget

**Location**

VETOED

**Next Hearing**

**Positions**

**Party**

### Bill Summary

Makes various changes to state law to save the state money. Amends Government Code §6252.8 to make compliance with certain provisions of the California Public Records Act (CPRA) related to the delivery of electronic data optional for local agencies, including the current requirement that within 10 days from receipt by the local agency of a request for a copy of records to provide to the person making the request verbal or written notice of the disclosure determination and the reasons for the determination. In lieu of the requirement, bill provisions encourage local agencies to follow these provisions as best practices, and requires any local agency to announce if it does not follow these best practices at its next regularly scheduled meeting and annually thereafter.

### Recent Activity

From Assembly: Passed (51-24) to Senate on 05/13/2013. From Senate: Passed (23-11) to Assembly for Concurrence on 06/14/2013. Assembly concurred in Senate amendments, to Enrollment on 06/14/2013. To Governor on 06/18/2013. Vetoed by Governor on 06/27/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)  
Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## BUDGET TRAILER BILL Taxation: Credits, Deductions, and Net Operating Losses

**STATUS:** CHAPTERED

**AB 93**

**Author**  
Assembly Budget  
**Location**

**Party**

CHAPTERED  
**Next Hearing**

**Positions**

### Bill Summary

Trailer bill to eliminate enterprise zones and implement the Governor's economic development proposal. Provisions of the bill would institute two new tax programs - a Sales and Use Tax (SUT) exemption for manufacturing and bio-tech equipment and similar purchases, and a hiring credit under the Personal Income Tax (PIT) and Corporation Tax (CT) for employment in specified geographic areas. Additionally, this bill would result in phasing-out and ending certain tax provisions related Enterprise Zones (EZs) and similar tax incentive areas, and ending the current New Jobs Credit tax incentive program. The bill also provides for allocating income tax credits through the Governor's Office of Business and Economic Development (GO-Biz) to assist in retaining existing and attracting new business activity in the state.

### Recent Activity

From Assembly: Passed (51-24) to Senate on 05/13/2013. From Senate: passed (30-9) to Assembly for Concurrence on 06/25/2013. Assembly concurred in Senate amendments, to Enrollment on 06/27/2013. To Governor on 07/03/2013. Signed by Governor, Chaptered by Secretary of State on 07/11/2013.

## PROPOSITION 39 IMPLEMENTATION

**AB 114**

**Author**  
Salas  
**Location**

**Party**

Senate: A  
**Next Hearing**

**Positions**

League: Watch

## Proposition 39: Implementation: Workforce Development

### Bill Summary

Requires the Labor and Workforce Development Agency to develop and implement the Clean Energy Jobs and Workforce Development Program to award grants for projects to provide job training on energy efficiency and clean energy projects that are located in economically disadvantaged communities. Requires a review and evaluation of the program and to develop improvement solutions. Provides for a specified percentage of the Clean Energy Job Creation Fund be made available for purposes of providing grants.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (16-0) on 05/24/2013. From Assembly: Passed (75-2) to Senate on 05/28/2013. To Senate Committees on Labor & Industrial Relations and Energy, Utilities & Communications on 06/06/2013. From Labor & Industrial Relations: Do pass (4-0) to Energy, Utilities & Communications on 06/12/2013. From Energy, Utilities & Communications: Do pass (9-2) to Appropriations. Amended, re-referred to Appropriations on 07/09/2013.

## ENVIRONMENT

## Environment: Salton Sea: Dust Mitigation

**STATUS:** Passed to SENATE

**AB 147**

**Author**  
Perez, V. M.  
**Location**

**Party**

Senate: NRW, EQ  
**Next Hearing**

NRW: 06/25/2013

**Positions**

### Bill Summary

Requires the State Air Resources Board to evaluate and determine with the air quality planning completed by a joint powers authority is sufficient to mitigate the air quality impacts of the Quantification Settlement Agreement. Requires the state board, if it concludes that additional mitigation measures are needed, to submit recommendations to the authority.

### Recent Activity

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (17-0) on 05/24/2013. From Assembly: Passed (77-0) to Senate on 05/29/2013. To Senate Committees on Natural Resources & Water and Environmental Quality on 06/13/2013.

## INFRASTRUCTURE FINANCING

## Infrastructure Financing

**STATUS:** CHAPTERED

**AB 164**

**Author**  
Wieckowski  
**Location**

**Party**

CHAPTERED  
**Next Hearing**

To Governor

**Positions**

### Bill Summary

Requires a lease agreement between a governmental agency undertaking an infrastructure project and a private entity to include performance bonds as security to ensure the completion of the construction of the facility and payment bonds to secure the payment of claims of laborers, mechanics, and materials suppliers employed on the work under contract.

### Recent Activity

From Local Government: Do pass (9-0) on 05/01/2013. From Assembly: Passed (73-0) to Senate on 05/16/2013. To Senate Committee on Governance & Finance on 05/30/2013. Author's amendments, re-referred to Governance & Finance on 06/05/2013. From Governance & Finance: Do pass (6-0) to Consent Calendar on 06/12/2013. From Senate: Passed (39-0) on 06/24/2013. To Assembly for Concurrence. To Enrollment on 06/27/2013. Enrolled on 07/01/2013. To Governor on 08/01/2013. Signed by the Governor, Chaptered by the Secretary of State on 08/13/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)  
Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## TRANSPORTATION: Electronic Transit Fare Collection Systems

### FARE COLLECTION

**AB 179**

**Author** **Party**

Bocanegra

D

**Location**

Senate

**Next Hearing**

Third Reading File

**Positions**

OCTA: Oppose Unless

Amended

RCTC: Oppose

### Bill Summary

Makes provisions of existing law regarding the prohibition of a transportation agency selling or providing personally identifiable information from an electronic toll collection system or use of toll facility using such system applicable to an agency that employs an electronic transit fare system. Allows a person's consent to share that information with a third party to be written or oral. Exempts photographic or video footage from the definition of such information, unless it was used for assessing a fare.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: Do pass (16-0) on 05/08/2013. From Assembly: Passed (70-1) to Senate on 05/24/2013. To Senate Committees on Transportation & Housing and Judiciary on 06/06/2013. From Transportation & Housing: Do pass (10-0) to Judiciary on 06/18/2013. Author's amendments, re-referred to Judiciary on 06/19/2013. From Judiciary: Do pass (5-2) to Appropriations on 06/25/2013. From Appropriations: To Second Reading without further hearing on 07/11/2013.

## TRANSPORTATION: Counties: Construction Projects: Design-Build

### PROJECT DELIVERY

**AB 195**

**Author** **Party**

Hall

D

**Location**

Enrolled

**Next Hearing**

**Positions**

### Bill Summary

Extends provisions of existing law that authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of a specified amount, in accordance with specified procedures, and provides that the procedures include a requirement for contracts awarded after a certain date that a county board of supervisors pay a fee into the State Public Works Enforcement Fund.

**STATUS:** To GOVERNOR

### Recent Activity

From Appropriations: Do pass (16-1) on 05/15/2013. From Assembly: Passed (59-9) to Senate on 05/24/2013. To Senate Committee on Governance & Finance on 06/06/2013. From Governance & Finance: Do pass (6-0) to Appropriations on 06/12/2013. From Appropriations: Do pass (6-0) on 06/24/2013. From Senate: Passed (33-0), to Enrollment on 07/08/2013. Enrolled on 08/08/2013. To Governor on 08/12/2013.

## TRANSPORTATION: Vehicles: Length Limitations: Buses: Bicycle Devices

### BIKE RACKS

**AB 206**

**Author** **Party**

Dickinson

D

**Location**

CHAPTERED

**Next Hearing**

To Governor

**Positions**

### Bill Summary

Authorizes the Sacramento Regional Transit District to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles if the use of the device meets certain requirements, including, but not limited to, that the device does not extend more than 40 inches from the front of the bus when fully deployed, and that the handlebars of the bicycles being transported do not extend more than 46 inches from the front of the bus. Establishes a route review committee prior to the installation of the initial folding device on a bus and requires the committee to perform an initial review of the routes.

**STATUS:** CHAPTERED

### Recent Activity

From Transportation: Do pass (16-0) on 04/08/2013. From Assembly: Passed (76-0) to Senate on 04/15/2013. Awaiting committee assignment. To Senate Committee on Transportation & Housing on 04/25/2013. From Transportation & Housing: Do pass (10-0) on 06/04/2013. From Senate: Passed (36-0), to Enrollment on 07/01/2013. Enrolled on 07/10/2013. To Governor on 08/01/2013. Signed by Governor, Chaptered by Secretary of State on 08/13/2013.

## INFRASTRUCTURE FINANCING

**AB 229**

**Author** **Party**

Perez, J.

D

**Location**

Senate

**Next Hearing**

Third Reading File

**Positions**

## Infrastructure and Revitalization Financing Districts

### Bill Summary

Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.

**STATUS:** Passed to SENATE

### Recent Activity

Introduced on 02/04/2013. To Assembly Committee on Local Government on 02/15/2013. Author's amendments, re-referred to Local Government on 04/08/2013. From Local Government: Do pass (8-1) to Appropriations on 04/17/2013. From Appropriations: Do pass (16-1) on 05/01/2013. From Assembly: Passed (71-3) to Senate on 05/09/2013. To Senate Committee on Governance & Finance on 05/23/2013. From Governance & Finance: Do pass (6-1) to Appropriations on 06/05/2013. Amended, re-referred to Appropriations on 06/11/2013. From Appropriations: To Second Reading without further hearing on 06/24/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE)

Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC)

Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

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| <b>INFRASTRUCTURE FINANCING</b><br><b>AB 243</b><br><b>Author</b><br>Dickinson<br><b>Location</b><br>Senate<br><b>Next Hearing</b><br>Third Reading File<br><b>Positions</b>                                       | <b>Local Government: Infrastructure Financing Districts</b><br><b>Bill Summary</b><br>Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.<br><b>Party</b><br>D | <b>STATUS:</b> Passed to SENATE<br><b>Recent Activity</b><br>From Appropriations: Do pass (12-5) on 05/01/2013. From Assembly: Passed (44-29) to Senate on 05/09/2013. To Senate Committee on Governance & Finance on 05/23/2013. Author's amendments, re-referred to Governance & Finance on 06/05/2013. From Governance & Finance: Do pass (4-2) to Appropriations on 06/12/2013. From Appropriations: To Second Reading without further hearing on 07/01/2013.  |
| <b>TRANSPORTATION: HOV LANES</b><br><b>AB 266</b><br><b>Author</b><br>Blumenfield<br><b>Location</b><br>Senate: A<br><b>Next Hearing</b><br><br><b>Positions</b><br>OCTA: Oppose<br>RCTC: Oppose<br>SANBAG: Oppose | <b>Vehicles: High-Occupancy Vehicle Lanes</b><br><b>Bill Summary</b><br>Extends the operation of existing law that authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which lanes may also be used by certain low-emission or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane for certain low-emission vehicles, and extends those provisions for other specified low-emission vehicles or, in either case, until a specified notice is received.<br><b>Party</b><br>D                     | <b>STATUS:</b> Passed to SENATE<br><b>Recent Activity</b><br>From Appropriations: Do pass (13-4) on 05/01/2013. From Assembly: Passed (49-22) to Senate on 05/20/2013. To Senate Committee on Transportation & Housing on 05/30/2013. From Transportation & Housing: Do pass (11-0) to Appropriations on 07/02/2013. Amended, re-referred to Appropriations on 07/10/2013.   |
| <b>ECONOMIC DEVELOPMENT</b><br><b>AB 285</b><br><b>Author</b><br>Brown<br><b>Location</b><br>Senate<br><b>Next Hearing</b><br>Third Reading File<br><b>Positions</b>   | <b>Microenterprises: Economic Development</b><br><b>Bill Summary</b><br>Revises the definition of a microenterprise. Requires the Workforce Investment Board to assist the Governor by developing specified guidelines for certain high-wage industry sectors and making recommendations on how to target resources to specified high-wage industry sectors, and by recommending policy and providing technical assistance on entrepreneurial training opportunities that could be made available through local workforce investment board programs.<br><b>Party</b><br>D  | <b>STATUS:</b> Passed to SENATE<br><b>Recent Activity</b><br>From Appropriations: Do pass (17-0), to Consent Calendar on 04/17/2013. From Assembly: Passed (76-0) to Senate on 04/25/2013. To Senate Committees on Business, Professions & Economic Development and Labor & Industrial Relations on 05/09/2013. From Business, Professions & Economic Development: Do pass (10-0) to Labor & Industrial Relations on 06/03/2013. From Labor & Industrial Relations: Do pass (4-0) to Appropriations on 06/12/2013. From Appropriations: To Second Reading without further hearing on 06/24/2013. |
| <b>PLANNING</b><br><b>AB 325</b><br><b>Author</b><br>Alejo<br><b>Location</b><br>Senate<br><b>Next Hearing</b><br>Third Reading File<br><b>Positions</b><br>CA League: Oppose                                      | <b>Land Use and Planning: Cause of Actions: Time Limits</b><br><b>Bill Summary</b><br>Authorizes notice for an action or proceeding against local zoning and planning decisions of a legislative body to be filed any time within 3 years after an action taken, but would set a specified time period for notice with respect to an adopted or revised housing element that is found to substantially comply with law. Establishes a statute of limitations for an action or proceeding arising from a notice subject to the specified time period. Provides conditions regarding housing element compliance.<br><b>Party</b><br>D      | <b>STATUS:</b> Passed to SENATE<br><b>Recent Activity</b><br>From Local Government: Do pass (5-3) on 05/08/2013. From Assembly: Passed (41-30) to Senate on 05/31/2013. To Senate Committee on Rules on 06/03/2013. Re-referred to Transportation & Housing on 06/13/2013. From Transportation & Housing: Do pass (7-3) on 06/25/2013.   |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)



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|---|--|---|
| <p><b>ENVIRONMENT</b></p> <p><b>AB 380</b></p> <p><b>Author</b><br/>Dickinson</p> <p><b>Location</b><br/>Senate: EQ</p> <p><b>Next Hearing</b></p> <p><b>Positions</b></p>  | <p><b>California Environmental Quality Act: Notice</b></p> <p><b>Bill Summary</b><br/>Amends the California Environmental Quality Act. Requires that notices regarding environmental impact reports filed by lead agencies need to be filed with the Office of Planning and Research and the county clerk and posted by the clerk for public review. Provides notice requirements for projects that are determined to be exempted from the Act.</p> <p><b>Party</b><br/>D</p>  | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (12-5) on 05/24/2013. From Assembly: Passed (53-23) to Senate on 05/29/2013. To Senate Committee on Environmental Quality on 06/13/2013.</p>   |
| <p><b>TRANSPORTATION: PROJECT DELIVERY</b></p> <p><b>AB 401</b></p> <p><b>Author</b><br/>Daly</p> <p><b>Location</b><br/>Senate: T&amp;H</p> <p><b>Next Hearing</b></p> <p><b>Positions</b><br/>OCTC: Sponsor</p> | <p><b>Transportation: Design-Build: Streets and Highways</b></p> <p><b>Bill Summary</b><br/>Authorizes the Department of Transportation to utilize design-build procurement for projects on the state highway system, based on either best value or lowest responsible bid. Authorizes regional transportation agencies to utilize such procurement for projects. Provides such authorizations do not include construction inspection services for specified projects. Requires such services to be performed by the Department. Requires reimbursement for prevailing wage monitoring and enforcement.</p> <p><b>Party</b><br/>D</p>        | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Appropriations: Do pass (16-1) on 05/15/2013. From Assembly: Passed (68-3) to Senate on 05/24/2013. To Senate Committee on Transportation &amp; Housing on 06/06/2013. From Transportation &amp; Housing: Not heard in committee on 07/02/2013. From Transportation &amp; Housing: Not heard in committee by request of Senate President Pro Tempore on 07/09/2013. Author's amendments, re-referred to Transportation &amp; Housing on 08/12/2013.</p> |
| <p><b>TRANSPORTATION: HOV</b></p> <p><b>AB 405</b></p> <p><b>Author</b><br/>Gatto</p> <p><b>Location</b><br/>Senate:A</p> <p><b>Next Hearing</b></p> <p><b>Positions</b></p>                                      | <p><b>High-Occupancy Vehicle Lanes: County of Los Angeles</b></p> <p><b>Bill Summary</b><br/>Prohibits the establishment of any high-occupancy land on specified state highway routes in the County of Los Angeles, unless the lane is established as such land only during the hours of heavy commuter traffic. Requires any such lane to be modified to conform to those requirements. Authorizes the Department of Transportation to reinstate 24-hour high-occupancy vehicle lanes on the specified portions of these routes if the department makes a specified determination. Requires a related report.</p> <p><b>Party</b><br/>D</p> | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Appropriations: Do pass (16-0) on 05/24/2013. From Assembly: Passed (72-0) to Senate on 05/30/2013. To Senate Committee on Transportation &amp; Housing on 06/13/2013. From Transportation &amp; Housing: Do pass (10-0) to Appropriations on 06/25/2013. Author's amendments, re-referred to Appropriations on 06/27/2013.</p>   |
| <p><b>ENVIRONMENT</b></p> <p><b>AB 417</b></p> <p><b>Author</b><br/>Frazier</p> <p><b>Location</b><br/>Senate</p> <p><b>Next Hearing</b><br/>Third Reading File</p> <p><b>Positions</b><br/>SANBAG: Support</p>   | <p><b>California Environmental Quality Act</b></p> <p><b>Bill Summary</b><br/>Exempts from the California Environmental Quality Act (CEQA) a bicycle transportation plan for an urbanized area. Requires a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with the county clerk. Prohibits the preparation of an assessment if certain conditions are met, including if measures mitigate certain impacts identified in an impact report or negative declaration.</p> <p><b>Party</b><br/>D</p>  | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Appropriations: Do pass (13-0) on 04/17/2013. From Assembly: Passed (70-2) to Senate on 04/25/2013. To Senate Committee on Environmental Quality on 05/09/2013. Author's amendments, re-referred to Environmental Quality on 06/13/2013. From Environmental Quality: Do pass (9-0) to Appropriations on 06/26/2013. From Appropriations: To Second Reading without further hearing on 07/11/2013.</p>   |

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| <b>PLANNING</b>               |              | <b>Sustainable Communities</b>  | <b>STATUS:</b> Passed to SENATE   |
| <b>AB 453</b>                 |              | <b>Bill Summary</b>   | <b>Recent Activity</b>  |
| <b>Author</b>                 | <b>Party</b> | Amends existing law establishing the Strategic Growth Council to manage and award grants and loans to a council of governments, metropolitan planning organizations, regional transportation planning agencies, city, county, or joint powers authorities for the purpose of developing, adopting and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. Makes a local agency formation commission eligible for the award of financial assistance. | From Appropriations: To Suspense File on 04/17/2013. From Appropriations: Do pass (16-0) on 05/24/2013. From Assembly: Passed (65-11) to Senate on 05/30/2013. To Senate Committee on Natural Resources & Water on 06/13/2013. From Natural Resources & Water: Do pass (9-0) to Appropriations on 06/25/2013. Amended, re-referred to Appropriations on 07/03/2013. From Appropriations: To Suspense File on 08/12/2013.  |
| Mullin                        | D            |   |   |
| <b>Location</b>               |              |   |   |
| Senate: A                     |              |   |   |
| <b>Next Hearing</b>           |              |   |   |
| <b>Positions</b>              |              |   |   |
| <b>TRANSPORTATION FUNDING</b> |              | <b>Federal Transportation Funds</b>   | <b>STATUS:</b> Passed to SENATE   |
| <b>AB 466</b>                 |              | <b>Bill Summary</b>   | <b>Recent Activity</b>  |
| <b>Author</b>                 | <b>Party</b> | Requires the Department of Transportation to allocate federal transportation funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area.  | From Appropriations: Do pass (17-0) to Consent Calendar on 05/01/2013. From Assembly: Passed (75-0) to Senate on 05/09/2013. To Senate Committee on Transportation & Housing on 05/23/2013. From Transportation & Housing: Do pass (11-0) to Appropriations on 06/11/2013. From Appropriations: To Second Reading without further hearing on 07/01/2013.  |
| Quirk-Silva                   | D            |   |   |
| <b>Location</b>               |              |   |   |
| Senate                        |              |   |   |
| <b>Next Hearing</b>           |              |   |   |
| Third Reading File            |              |   |   |
| <b>Positions</b>              |              |   |   |
| <b>TRANSPORTATION</b>         |              | <b>High-Speed Rail</b>  | <b>STATUS:</b> To ENROLLMENT  |
| <b>AB 481</b>                 |              | <b>Bill Summary</b>   | <b>Recent Activity</b>  |
| <b>Author</b>                 | <b>Party</b> | Enacts exceptions and authorizations relative to real property obtained for high-speed rail purposes by the High-Speed Rail Authority. Enacts new provisions governing acquisition or disposal of right-of-way property by the authority. Requires payments for leases, sales or other conveyances of property controlled by the authority to be deposited in the High-Speed Rail Property Fund created by the bill. Provide that the funds shall be available to the authority upon appropriation for specified purposes.    | From Appropriations: Do pass (12-5) on 05/15/2013. From Assembly: Passed (51-21) to Senate on 05/23/2013. To Senate Committee on Transportation & Housing on 06/06/2013. From Transportation & Housing: Do pass (8-2) to Appropriations on 06/11/2013. Amended, re-referred to Appropriations on 06/12/2013. From Appropriations: Do pass (4-2) on 07/01/2013. From Senate: Passed (21-9), to Assembly for Concurrence on 07/08/2013. Assembly concurred in Senate amendments, to Enrollment on 08/08/2013. Enrolled on 08/13/2013. |
| Lowenthal, B.                 | D            |   |   |
| <b>Location</b>               |              |   |   |
| Enrolled                      |              |   |   |
| <b>Next Hearing</b>           |              |   |   |
| <b>Positions</b>              |              |   |   |
| <b>TRANSPORTATION</b>         |              | <b>State Rail Plan: High-Speed Rail Authority</b>   | <b>STATUS:</b> Passed to SENATE   |
| <b>AB 528</b>                 |              | <b>Bill Summary</b>   | <b>Recent Activity</b>  |
| <b>Author</b>                 | <b>Party</b> | Revises certain items required to be in the elements of the State Rail Plan and the business plan. Eliminates the current timeframe for the plan. Provides for the submission of the rail plan to specified transportation agencies, the Legislature, and the Governor. Requires the rail plan to be updated periodically. Relates to the submission of the High-Speed Rail Authority business plan. Repeals provisions regarding identifying certain AMTRAK related decrepit intercity rail passenger stations.              | From Appropriations: Do pass (13-4) on 05/08/2013. From Assembly: Passed (53-20) to Senate on 05/20/2013. To Senate Committee on Transportation & Housing on 05/30/2013. Author's amendments, re-referred to Transportation & Housing on 06/04/2013. From Transportation & Housing: Do pass (10-0) to Appropriations on 06/11/2013. From Appropriations: To Second Reading without further hearing on 06/24/2013.   |
| Lowenthal, B.                 | D            |   |   |
| <b>Location</b>               |              |   |   |
| Senate                        |              |   |   |
| <b>Next Hearing</b>           |              |   |   |
| Third Reading File            |              |   |   |
| <b>Positions</b>              |              |   |   |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

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| <p><b>ECONOMIC DEVELOPMENT</b></p> <p><b>AB 562</b></p> <p><b>Author</b><br/>Williams</p> <p><b>Location</b><br/>Senate</p> <p><b>Next Hearing</b></p> <p><b>Positions</b><br/>CA League: Oppose</p>                                     | <p><b>Economic Development Subsidies: Local Agency Review</b></p> <p><b>Bill Summary</b><br/>Relates to economic development activities by state and local agencies. Requires each local agency to provide information to the public before approving an economic development subsidy, and to hold hearings, and report on those subsidies at specified intervals.</p> <p><b>Party</b><br/>D</p>   | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Local Government: Do pass (7-1) on 05/08/2013. From Assembly: Passed (49-19) to Senate on 05/23/2013. To Senate Committee on Governance &amp; Finance on 06/06/2013. From Governance &amp; Finance: Do pass (5-2) on 06/26/2013.</p>   |
| <p><b>ECONOMIC DEVELOPMENT</b></p> <p><b>AB 564</b></p> <p><b>Author</b><br/>Mullin</p> <p><b>Location</b><br/>Senate: A</p> <p><b>Next Hearing</b></p> <p><b>Positions</b><br/>SCAG: Support<br/>CA League: Support<br/>CSAC: Watch</p> | <p><b>Community Redevelopment: Successor Agencies</b></p> <p><b>Bill Summary</b><br/>Amends existing law that dissolved redevelopment agencies and community development agencies and provides for the designation of successor agencies. Prohibits the Department of Finance from taking any future action to modify the enforceable obligations described in existing law following the effective date of the approval of those obligations after review by an oversight board and the department, and from taking action to modify the transfer of property, if the transfer is in an approved transfer plan.</p> <p><b>Party</b><br/>D</p> | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (17-0) on 05/24/2013. From Assembly: Passed (77-0) to Senate on 05/30/2013. To Senate Committee on Governance &amp; Finance on 06/13/2013. From Governance &amp; Finance: Do pass (7-0) to Appropriations on 06/26/2013. From Appropriations: Not heard in committee on 08/12/2013.</p>   |
| <p><b>INFRASTRUCTURE FINANCING</b></p> <p><b>AB 628</b></p> <p><b>Author</b><br/>Gorell</p> <p><b>Location</b><br/>Senate: A</p> <p><b>Next Hearing</b><br/>A: 08/19/2013</p> <p><b>Positions</b></p>                                    | <p><b>Energy Management Plans for Harbor and Port Districts</b></p> <p><b>Bill Summary</b><br/>Authorizes the Infrastructure Development Bank to fund projects to promote economic development in harbor and port districts that are developed pursuant to an energy management plan. Requires the bank to consider appropriate action that it may take to facilitate financing projects. Requires a harbor or port district to prepare an energy management plan to reduce air emissions and promote economic development through the addition of new businesses and the retention of existing</p> <p><b>Party</b><br/>R</p>                  | <p><b>STATUS:</b> Passed to SENATE</p> <p><b>Recent Activity</b><br/>Introduced on 02/20/2013. To Assembly Committees on Natural Resources and Utilities &amp; Commerce on 03/04/2013. Author's amendments, re-referred to Natural Resources on 04/01/2013. From Utilities &amp; Commerce: Do pass (14-0) to Jobs, Economic Development &amp; The Economy on 04/22/2013. Author's amendments, re-referred to Jobs, Economic Development &amp; The Economy on 04/24/2013. From Jobs, Economic Development &amp; The Economy: Do pass (9-0) to Appropriations on 04/30/2013. Amended, re-referred to Appropriations on 05/08/2013. From Appropriations: Do pass (17-0), to Consent Calendar on 05/24/2013. From Assembly: Passed (77-0) to Senate on 05/29/2013. To Senate Committee on Energy, Utilities &amp; Communications on 06/13/2013. From Energy, Utilities &amp; Communications: Do pass (8-0) to Appropriations on 07/02/2013. Amended, re-referred to Appropriations on 07/10/2013. From Appropriations: Not heard in committee on 08/12/2013. Author's amendments, re-referred to Appropriations on 08/12/2013.</p> |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

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## INFRASTRUCTURE FINANCING

**AB 662**

**Author**

Atkins

**Location**

Senate: A

**Next Hearing**

A: 08/19/2013.

**Positions**

**Party**

D

## Local Government: Redevelopment: Successor Agencies

### Bill Summary

Deletes a prohibition on the inclusion of redevelopment project areas in infrastructure financing districts. Authorizes the district go finance a project that is located in, or overlaps with, a redevelopment project area of former project area. Relates to procedures governing the contracting requirements and the commitment of new tax funds for new redevelopment agencies. Relates to the disposition of excess tax funds to local agencies and school entities.

**STATUS:** Passed to SENATE

### Recent Activity

From Local Government: Do pass (9-0) to Consent Calendar on 04/17/2013. From Assembly: Passed (76-0) to Senate on 04/25/2013. To Senate Committee on Governance & Finance on 05/09/2013. Author's amendments, re-referred to Governance & Finance on 05/24/2013. From Governance & Finance: Do pass (7-0) to Appropriations on 06/05/2013. Amended, re-referred to Appropriations on 06/11/2013. Author's amendments, re-referred to Appropriations on 08/13/2013.

## TRANSPORTATION

## Gold Coast Transit District

**AB 664**

**Author**

Williams

**Location**

Senate

**Next Hearing**

Third Reading File

**Positions**

VCTC: Support

**Party**

D

### Bill Summary

Creates the Gold Coast Transit District in the County of Ventura; provides the jurisdiction of the district would initially include the cities of Oxnard, Ventura, Port Hueneme, and Ojai and the unincorporated areas of the county. Authorizes other cities in the county to subsequently join the district. Authorizes the district to seek voter approval of tax measures and to issue revenue bonds. Authorizes the transfer of the assets from Gold Coast Transit to the district.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: Do pass (17-0), to Consent Calendar on 05/08/2013. From Assembly: Passed (70-0) to Senate on 05/16/2013. To Senate Committee on Transportation & Housing on 05/30/2013. From Transportation & Housing: Do pass (11-0) to Appropriations on 07/02/2013. From Appropriations: To Second Reading without further hearing on 07/11/2013.

## PLANNING

## Land Use: Development Project Review: Superstores

**AB 667**

**Author**

Hernandez, R.

**Location**

Senate: G&F

**Next Hearing**

**Positions**

CA League: Oppose

**Party**

D

### Bill Summary

Requires a city, county, or city and county, including a charter city, prior to approval or disapproval of a proposed development project to permit the construction of a superstore retailer, or where a superstore would be the recipient of a specified amount of financial assistance to cause an economic impact report to be prepared, to be paid for by the project applicant, to assess the effect such superstore will have on economic assistance areas, retail operations and employment in the same market area.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: Do pass (11-5) on 05/24/2013. From Assembly: Passed (41-31) to Senate on 05/28/2013. To Senate Committee on Governance & Finance on 06/06/2013. From Governance & Finance: Failed passage (3-2), reconsideration granted on 06/26/2013. From Governance & Finance: Not heard in Committee on 07/03/2013.

## INFRASTRUCTURE FINANCING

**AB 701**

**Author**

Perez, J.

**Location**

Senate

**Next Hearing**

Third Reading File

**Positions**

**Party**

D

## California Infrastructure and Economic Development Bank

### Bill Summary

Relates to the Infrastructure and Economic Development Bank and board of directors. Adds a Member of the Assembly, or a designee of the member, and a Member of the Senate, or designee of the member, as advisory members of the board. Requires the bank to serve as the primary state agency for purposes of developing an application for any federal infrastructure bank or financing authority. Incorporates additional changes made by the Governor's Reorganization Plan.

**STATUS:** Passed to SENATE

### Recent Activity

From Appropriations: Do pass (12-5) on 04/17/2013. From Assembly: Passed (54-24) to Senate on 04/22/2013. To Senate Committees on Governance & Finance and Rules on 05/02/2013. Re-referred to Rules on 05/06/2013. Re-referred to Governance & Finance on 05/09/2013. Author's amendments, re-referred to Governance & Finance on 06/03/2013. From Governance & Finance: Do pass (4-1) to Appropriations on 06/12/2013. From Appropriations: To Second Reading without further hearing on 06/24/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE)

Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC)

Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## PLANNING

### Infrastructure: State Planning and Funding

**STATUS:** Passed to SENATE

**AB 716**

#### Author

Quirk-Silva

#### Location

Senate: A

#### Next Hearing

#### Positions

#### Party

D

#### Bill Summary

Amends the Infrastructure Planning Act. Requires the plan to set out priorities for coordination of investment and to include an analysis of investment coordination opportunities for capital outlay related to infill and transit-oriented development. Expands the definition of infrastructure to include housing. Requires the Governor to submit the plan with the assistance of the Strategic Growth Council. Requires specified planning.

#### Recent Activity

Introduced on 02/21/2013. To Assembly Committees on Housing & Community Development and Budget on 03/04/2013. Author's amendments, re-referred to Housing & Community Development on 04/02/2013. From Housing & Community Development: Do pass (5-2) to Budget on 04/17/2013. From Budget: Not heard on 05/02/2013. From Budget: Do pass (16-9) on 05/09/2013. From Assembly: Passed (51-20) to Senate on 05/16/2013. To Senate Committees on Governmental Organization and Natural Resources & Water on 05/30/2013. From Governmental Organization: Do pass (7-4) to Natural Resources & Water on 06/11/2013. Author's amendments, re-referred to Natural Resources & Water on 06/18/2013. From Natural Resources & Water: Do pass (7-2) to Appropriations on 06/25/2013. From Appropriations: To Suspense File on 08/12/2013.

## ECONOMIC DEVELOPMENT

**AB 1080**

#### Author

Alejo

#### Location

Senate: A

#### Next Hearing

#### Positions

SCAG: Support

CA League: Support

CSAC: Watch

#### Party

D

### Community Revitalization & Investment Authorities

#### Bill Summary

Authorizes certain public entities of a community revitalization and investment area to form a community revitalization plan within a community revitalization and investment authority to carry out the Community Redevelopment Law in a specified manner. Requires the authority to adopt a community revitalization plan for a community revitalization and investment area and authorizes the authority to include in that plan a provision for the receipt of tax increment funds.

**STATUS:** Passed to SENATE

#### Recent Activity

From Appropriations: Do pass (12-5) on 05/15/2013. From Assembly: Passed (54-16) to Senate on 05/24/2013. To Senate Committees on Governance & Finance and Transportation & Housing on 06/06/2013. From Governance & Finance: Do pass (4-1) to Transportation & Housing on 06/19/2013. Author's amendments, re-referred to Transportation & Housing on 07/02/2013. From Transportation & Housing: Do pass (8-2) to Appropriations on 07/09/2013. Amended, re-referred to Appropriations on 08/12/2013.

## ECONOMIC DEVELOPMENT

**AB 1081**

#### Author

Medina

#### Location

Senate

#### Next Hearing

To Suspense File

#### Positions

#### Party

D

### Economic Development: Goods-Movement Infrastructure

#### Bill Summary

Amends existing law that requires the Governor to submit to the Legislature a proposed infrastructure plan containing certain information concerning infrastructure needed by specified entities and a proposal for funding the needed infrastructure. Requires the plan to include additional information related to infrastructure identified by state and federal transportation authorities, recommendations for private sector financing, and strategies to address state goods movement needs.

**STATUS:** Passed to SENATE

#### Recent Activity

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (17-0) on 05/24/2013. From Assembly: Passed (78-0) to Senate on 05/30/2013. To Senate Committee on Transportation & Housing on 06/13/2013. From Transportation & Housing: Do pass (11-0) to Appropriations on 07/02/2013. Amended, re-referred to Appropriations on 07/09/2013. Author's amendments, re-referred to Appropriations on 08/12/2013. From Appropriations: To Suspense File

# SCAG California Legislative Matrix

August 2013

|                           |  |  |  |
|---------------------------|--|--|--|
| <b>TRANSPORTATION</b>     | <b>Safe Routes to School Program</b>                         |  | <b>STATUS:</b> Passed to SENATE  |
| <b>AB 1194</b>            | <b>Bill Summary</b>  |  | <b>Recent Activity</b>   |
| <b>Author</b>             | <b>Party</b>   | Requires a specified percent of Safe Routes to School Program to be used for noninfrastructure activities to encourage walking and bicycling to school. Authorizes the transfer of the responsibility for selecting projects and awarding grants from the Department of Transportation to the State Transportation Commission. | From Appropriations: To Suspense File on 05/01/2013. From Appropriations: Do pass (13-0) on 05/24/2013. From Assembly: Passed (76-2) to Senate on 05/30/2013. To Senate Committee on Transportation & Housing on 06/13/2013.   |
| <b>Location</b>           | D  |  |  |
| <b>Senate: T&amp;H</b>    |  |  |  |
| <b>Next Hearing</b>       |  |  |  |
| <b>Positions</b>          |  |  |  |
| <b>PLANNING</b>           | <b>Land Use: Zoning Regulations</b>                          |  | <b>STATUS:</b> Passed to SENATE  |
| <b>AB 1229</b>            | <b>Bill Summary</b>  |  | <b>Recent Activity</b>   |
| <b>Author</b>             | <b>Party</b>   | Authorizes the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements.  | From Local Government: Do pass (6-1) on 05/08/2013. From Assembly: Passed (41-31) to Senate on 05/30/2013. To Senate Committee on Transportation & Housing on 06/13/2013. From Transportation & Housing: Do pass (6-5) on 07/02/2013.  |
| <b>Location</b>           | D  |  |  |
| <b>Senate</b>             |  |  |  |
| <b>Next Hearing</b>       |  |  |  |
| <b>Third Reading File</b> |  |  |  |
| <b>Positions</b>          |  |  |  |
| <b>CA League: Support</b> |  |  |  |
| <b>ENERGY</b>             | <b>State Energy Resources Conservation &amp; Development</b> |  | <b>STATUS:</b> Passed to SENATE  |
| <b>AB 1257</b>            | <b>Bill Summary</b>  |  | <b>Recent Activity</b>   |
| <b>Author</b>             | <b>Party</b>   | Requires the Energy Commission to prepare and submit to the Governor a report containing specified information identifying strategies to maximize the benefits obtained from natural gas as an energy source. Requires the commission to incorporate the report into the subsequent biennial integrated energy policy report.  | From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (17-0) on 05/24/2013. From Assembly: Passed (77-0) to Senate on 05/29/2013. To Senate Committee on Energy, Utilities & Communications on 06/13/2013. Author's amendments, re-referred to Energy, Utilities & Communications on 06/25/2013. From Energy, Utilities & Communications: Do pass (8-0) to Appropriation on 07/02/2013. From Appropriations: To Suspense File on 08/12/2013. |
| <b>Location</b>           | D  |  |  |
| <b>Senate</b>             |  |  |  |
| <b>Next Hearing</b>       |  |  |  |
| <b>To Suspense File</b>   |  |  |  |
| <b>Positions</b>          |  |  |  |
| <b>SCAG: Watch</b>        |  |  |  |
| <b>CA League: Watch</b>   |  |  |  |
| <b>CSAC: Watch</b>        |  |  |  |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE)

Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC)

Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## TRANSPORTATION Transportation Planning

**STATUS:** Passed to SENATE

**AB 1290**

**Author**  
Perez, J.  
**Location**  
Senate: A  
**Next Hearing**  
A: 08/19/2013  
**Positions**  
CA League: Watch  
CSAC: Watch  
OCTA: Oppose Unless Amended

**Party**  
D

### Bill Summary

This bill would: (A) Provide for 2 additional voting members of the commission to be appointed by the Legislature. The bill would also provide for the Secretary of the Transportation Agency, the Chairperson of the State Air Resources Board, and the Director of Housing and Community Development to serve as ex officio members without vote. (B) Require the Governor to make every effort to assure that expertise in the transportation community that has not traditionally been represented on the commission is reflected in future appointments to the commission, with a particular emphasis on stakeholders involved and engaged in, among other things, efforts to make California's transportation system more sustainable. (C) Provide that the commission's Committee on Planning is also responsible for monitoring outcomes from land development and transportation investments in accordance with the sustainable communities strategy required to be adopted by transportation planning agencies as part of the regional transportation plan. (D) Require the commission to biennially prescribe and receive a brief report from each transportation planning agency, beginning on or before October 15, 2014, describing progress in implementing the sustainable communities strategy and in attaining greenhouse gas emission reductions. This bill would require each transportation planning agency's report to include an assessment of the region's progress made, along with any challenges facing the region, with respect to its ability to implement policies and projects set forth in the sustainable communities strategy. (E) Require the annual report to include a summary of the assessment of the commission and the Strategic Growth Council of progress around the state toward state objectives of greenhouse gas emission reductions, from patterns of ongoing land development and transportation investments. (F) Require the regional transportation improvement program to include a discussion of how the program relates to the region's adopted sustainable communities strategy. (G) Require the council to identify activities, programs, and local assistance funding of its member agencies that have a significant effect on the implementation of sustainable communities strategies. This bill would require each member agency to be notified of those matters, and would require each member agency to report annually to the California Transportation Commission on steps that it has taken to ensure that its policies, activities, programs, and local assistance funding help attain greenhouse gas emission reduction targets, among other things.

### Recent Activity

From Appropriations: To Suspense File on 05/15/2013. From Appropriations: Do pass (12-5) on 05/24/2013. From Assembly: Passed (53-25) to Senate on 05/29/2013. To Senate Committee on Transportation & Housing on 06/13/2013. Author's amendments, re-referred to Transportation & Housing on 07/02/2013. From Transportation & Housing: Do pass (7-3) to Appropriations on 07/09/2013. From Appropriations: Not heard in committee on

## ECONOMIC DEVELOPMENT

**SB 1**

**Author**  
Steinberg  
**Location**  
Assembly: A  
**Next Hearing**  
**Positions**

**Party**  
D

## Sustainable Communities Investment Authority

### Bill Summary

Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area.

**STATUS:** Passed to ASSEMBLY

### Recent Activity

From Appropriations: To Suspense File on 05/20/2013. From Appropriations: Do pass (5-2) on 05/23/2013. From Senate: Passed (27-11) to Assembly on 05/28/2013. To Assembly Committees on Housing & Community Development and Local Government on 06/14/2013. From Housing & Community Development: Do pass (5-2) to Local Government on 07/03/2013. Author's amendments, re-referred to Local Government on 08/05/2013. From Local Government: Do pass to Appropriations on 08/14/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## GOVERNMENT: CHARTER CITIES

**SB 7**

### Author

Steinberg

### Location

Assembly: A

### Next Hearing

### Positions

CA League: Oppose

CSAC: Watch

## Public Works: Charter Cities

### Bill Summary

Prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract. Prohibits state funding assistance for such projects for a specified period. Authorizes such assistance for a city with an ordinance requiring prevailing wages. Provides a minimum contract threshold for such requirement.

### Party

D

## STATUS: Passed to ASSEMBLY

### Recent Activity

From Senate: Passed (28-10) to Assembly on 05/28/2013. To Assembly Committees on Local Government and Labor & Employment on 06/10/2013. From Local Government: Do pass (6-3) to Labor & Employment on 06/26/2013. Author's amendments, re-referred to Labor & Employment on 08/07/2013. From Labor & Employment: Do pass to Appropriations on 08/14/2013.

## ENVIRONMENT

**SB 11**

### Author

Pavley

### Location

Assembly: NR

### Next Hearing

NR: 08/12/2013

### Positions

Metro: Support

Metrolink: Support in

Concept

## Alternative Fuel: Vehicle Technologies: Funding Program

### Bill Summary

Provides the State Air Resources Board has no authority to enforce any element of its existing clean fuels outlet regulation or other regulation that requires or has the effect of requiring any person to construct, operate, or provide funding for the construction or operation of any publicly available hydrogen fueling station. Requires the public disclosure of the number of vehicles sold or leased. Requires grants and loans for a sufficient hydrogen fueling network. Extends the Carl Moyer Program, and a vehicle registration charge to fund the Carl Moyer Program, to January 1, 2024.

### Party

D

## STATUS: Passed to ASSEMBLY

### Recent Activity

From Appropriations: To Suspense File on 05/20/2013. From Appropriations: Do pass (6-1) on 05/23/2013. From Senate: Passed (32-5) to Assembly on 05/29/2013. To Assembly Committees on Transportation and Natural Resources on 06/14/2013. From Transportation: Do pass (10-3) to Natural Resources on 07/01/2013. Author's amendments, re-referred to Natural Resources on 08/06/2013.

## INFRASTRUCTURE FINANCING

**SB 33**

### Author

Wolk

### Location

Assembly

### Next Hearing

Third Reading File

### Positions

CA League: Support

## Infrastructure Financing Districts: Voter Approval

### Bill Summary

Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits the district from providing financial assistance to a vehicle dealer or big box retailer.

### Party

D

## STATUS: Passed to ASSEMBLY

### Recent Activity

From Appropriations: To Second Reading without further hearing on 04/08/2013. To Third Reading on 04/09/2013. From Senate: Passed (24-13) to Assembly on 04/11/2013. To Assembly Committee on Local Government on 05/16/2013. From Local Government: Do pass (5-2) to Appropriations on 06/12/2013. From Appropriations: Do pass (11-5) on 07/03/2013.

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)  
Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)



# SCAG California Legislative Matrix

August 2013

## CAP & TRADE

## Global Warming Solutions: Clean Technology Investment

**STATUS:** Passed to ASSEMBLY

**SB 64**

**Author**

Corbett

**Location**

Assembly: NR

**Next Hearing**

NR: 08/12/2013

**Positions**

CA League: Support

**Party**

D

### Bill Summary

Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires appropriations of moneys in the fund or other funds to the account in the Budget Act. Makes such funds available for grants to nonprofit public benefit corporations and regional technology alliances to design and implement program that accelerate the development, demonstration, and deployment of technologies that would reduce greenhouse gas emissions and foster job creation in the state.

### Recent Activity

From Appropriations: Not heard in committee on 05/06/2013. From Appropriations: To Suspense File on 05/13/2013. From Appropriations: Do pass (5-0) on 05/23/2013. From Senate: Passed (30-7) to Assembly on 05/29/2013. To Assembly Committees on Natural Resources and Utilities & Commerce on 06/14/2013. Author's amendments, re-referred to Natural Resources on 06/14/2013. Re-referred to Rules on 06/20/2013. Re-referred to Natural Resources on 06/24/2013.

## BUDGET TRAILER BILL State Government

**STATUS:** CHAPTERED

**SB 71**

**Author**

Senate Budget & F

**Location**

CHAPTERED

**Next Hearing**

**Party**

### Bill Summary

This bill makes various statutory changes necessary to implement the general government-related provisions of the Budget Act of 2013. The provisions in this bill are identical to AB 76 *except that it preserves existing law relating to California Public Records Act by removing amendments contained in AB 76 that would have made portions of the California Public Records Act permissive*. SB 71 provisions also preserve existing law relating to the Local Government Ethics Training Requirements by removing amendments contained in AB 76 that would have made portions of the compensation and reimbursement activities permissive for specified local agencies.

### Recent Activity

From Senate: Passed (24-9) to Assembly on 05/13/2013. From Assembly: Passed (54-25) to Senate for Concurrence on 06/20/2013. Senate concurred in Assembly amendments, to Enrollment on 06/24/2013. To Governor on 06/26/2013. Signed by Governor, Chaptered by Secretary of State on 06/27/2013.

**Positions**

## BUDGET TRAILER BILL Energy: Proposition 39 Implementation

**STATUS:** CHAPTERED

**SB 73**

**Author**

Senate Budget & F

**Location**

CHAPTERED

**Next Hearing**

**Party**

### Bill Summary

Transfers \$28 million from the Job Creation Fund to the Education Subaccount, which is created in the State Energy Conservation Assistance Account. Appropriates the \$28 million, in the Education Subaccount to the Energy Commission for the purpose of low-interest and no-interest revolving loans and loan loss reserves for eligible projects and technical assistance. All funds shall be available to local education agency or community college districts for energy efficiency projects. Appropriates \$3 million from the Job Creation Fund to the California Workforce Investment Board to develop and implement a competitive grant program for eligible community-base and other training workforce organizations preparing disadvantaged youth or veterans for employment.

### Recent Activity

From Senate: Passed (24-9) to Assembly on 05/13/2013. From Assembly: Passed (69-9) to Senate for Concurrence on 06/15/2013. Senate concurred in Assembly amendments, to Enrollment on 06/15/2013. To Governor on 06/19/2013. Signed by Governor, Chaptered by Secretary of State on 06/27/2013.

**Positions**

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

# SCAG California Legislative Matrix

August 2013

## BUDGET TRAILER BILL Transportation

**STATUS:** CHAPTERED

|                     |  |
|---------------------|--|
| <b>SB 85</b>        | <b>Bill Summary</b>  |
| <b>Author</b>       | Makes changes regarding the accounting treatment of various transportation-related accounts; provides a mechanism for increased security for certain transportation bonds; extends the use of miscellaneous revenue for the payment of debt service of transportation bonds; and provides a process for the relocation of utilities pursuant to the constructions of the high-speed rail project. Specifically, the bill creates a class of transportation general obligation bonds known as designated bonds, which would be a portion of the transportation general obligation bonds issued pursuant to Proposition 1B of 2006. The bill would provide for transfer of a certain amount of weight fee revenue to the Transportation Debt Service Fund for the purpose of directly paying the debt service on the designated bonds, rather than providing for payment of the debt service indirectly through reimbursement of the General Fund. These weight fee revenues would be deposited in the newly created Transportation Bond Direct Payment Account in the Transportation Debt Service Fund and would be continuously appropriated for that purpose. To the extent the transferred weight fee revenues are insufficient to pay all the debt service on the designated bonds, the General Fund would remain responsible for the remaining debt service. The weight fee revenue to be used to pay debt service on the designated bonds would generally be the amount of weight fee revenue received by the Controller from the 15th day to the last day of each month. The remaining weight fee revenue would be used to pay the debt service on other transportation general obligation bonds. This bill would provide that the state covenants with bondholders of designated bonds that it will not alter, amend, or restrict the statutory provisions in this bill that provide for the transfer of weight fees to the Transportation Debt Service Fund or the Transportation Bond Direct Payment Account, and that it will not reduce weight fees below a specified amount on and after the first date that designated bonds are issued. The bill would enact other related provisions. |
| <b>Location</b>     |  |
| <b>Next Hearing</b> |  |
| <b>Positions</b>    |  |

**Recent Activity**  
From Senate: Passed (24-9) to Assembly on 05/13/2013. From Assembly: Passed (54-25) to Senate for Concurrence on 06/14/2013. Senate concurred in Assembly amendments, to Enrollment on 06/14/2013. To Governor on 06/16/2013. Signed by Governor, Chaptered by Secretary of State on 06/27/2013.

|                             |   |   |
|-----------------------------|---|---|
| <b>ECONOMIC DEVELOPMENT</b> | <b>Redevelopment</b>  | <b>STATUS:</b> Passed to ASSEMBLY   |
| <b>SB 133</b>               | <b>Bill Summary</b>   | <b>Recent Activity</b>  |
| <b>Author</b>               | Amends the Community Redevelopment Law. Requires a redevelopment agency to include additional information relating to any major audit violations, any corrections of those violations, and planning and general administrative expenses of the Low and Moderate Income Housing Fund. Authorizes quality control reviews by the Controller and the publishing of those reviews. Requires audits of such agencies to ensure compliance with the law. Relates to funding for housing construction and/or rehabilitation. | From Transportation & Housing: Do pass (11-0) to Consent Calendar on 04/02/2013. From Senate: Passed (38-0) to Assembly on 04/08/2013. To Assembly Committee on Jobs, Economic Development & The Economy on 05/09/2013. Author's amendments, re-referred to Jobs, Economic Development & The Economy on 06/10/2013. Re-referred to Rules on 06/14/2013. Re-referred to Housing & Community Development and Local Government on 06/17/2013. From Housing & Community Development: Do pass (5-2) to Local Government on 07/03/2013. Author's amendments, re-referred to Local Government on 08/06/2013. From Local Government: Do pass to Appropriations on 08/14/2013. |
| <b>Location</b>             |   |   |
| <b>Next Hearing</b>         |   |   |
| <b>Positions</b>            |   |   |

|                       |  |  |
|-----------------------|--|--|
| <b>TRANSPORTATION</b> | <b>Public Transit</b>  | <b>STATUS:</b> Passed to ASSEMBLY  |
| <b>SB 142</b>         | <b>Bill Summary</b>  | <b>Recent Activity</b>   |
| <b>Author</b>         | Repeals existing law providing for creation of one or more special benefit districts within a transit or rapid transit district regarding issuance of bonds to be repaid through special assessments levied on property within the special benefit district. Amends district areas. Enacts provisions authorizing a transit district, municipal operator, other other public agency operating or contracting for the operation of transit, commuter rail, or intercity rail service to create one or more special districts. | From Appropriations: To Second Reading without further hearing on 05/06/2013. From Senate: Passed (24-11) to Assembly on 05/28/2013. To Assembly Committees on Transportation and Local Government on 06/10/2013. From Transportation: Do pass (11-3) to Local Government on 07/01/2013. From Local Government: Do pass to Appropriations on 08/14/2013. |
| <b>Location</b>       |  |  |
| <b>Next Hearing</b>   |  |  |
| <b>Positions</b>      |  |  |

# SCAG California Legislative Matrix

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| <b>TRANSPORTATION</b><br><br><b>SB 203</b><br><b>Author</b><br>Pavley<br><b>Location</b><br>Assembly<br><b>Next Hearing</b><br>Consent Calendar<br><b>Positions</b><br>VCTC: Support                  | <b>Local Transportation Funds: Ventura County</b><br><br><b>Bill Summary</b><br>Relates to existing law requiring the expenditure of local transportation funds by specified local governments to be apportioned to urbanized areas of those counties for allocation for public transit purposes and not for street and road purposes. Repeals the provisions specifically relating to Ventura County and the expenditure of local transportation funds there. Requires the county transportation commission to submit an annual report on transit service in the county.<br><br><b>Party</b><br>D                            | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Appropriations: To Second Reading without further hearing on 05/13/2013. To Special Consent Calendar on 05/15/2013. From Senate: Passed (36-0) to Assembly on 05/20/2013. To Assembly Committee on Transportation on 06/10/2013. From Transportation: Do pass (15-0 to Appropriations on 07/01/2013. Amended, re-referred to Appropriations on 07/03/2013. From Appropriations: Do pass, to Consent Calendar on 08/14/2013.  |
| <b>TRANSPORTATION:</b><br><b>HOV LANES</b><br><b>SB 286</b><br><b>Author</b><br>Yee<br><b>Location</b><br>Assembly<br><b>Next Hearing</b><br>Third Reading File<br><b>Positions</b><br>SANBAG: Oppose | <b>Vehicles: High-Occupancy Vehicle Lanes</b><br><br><b>Bill Summary</b><br>Extends the operation of existing law that authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which lanes may also be used by certain low-emission or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane. Permits the department to issue a valid identifier to a vehicle that meets the state's transitional zero-emission standard. Repeals and deletes related provisions.<br><br><b>Party</b><br>D | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Appropriations: To Second Reading without further hearing on 04/15/2013. From Senate: Passed (34-0) to Assembly on 04/25/2013. To Assembly Committee on Transportation on 05/16/2013. Author's amendments, re-referred to Transportation on 06/11/2013. From Transportation: Do pass (13-1) to Appropriations on 06/17/2013. Amended, re-referred to Appropriations on 06/24/2013. From Appropriations: Do pass (16-1) on 07/03/2013.  |
| <b>ECONOMIC DEVELOPMENT</b><br><br><b>SB 341</b><br><b>Author</b><br>DeSaulnier<br><b>Location</b><br>Assembly<br><b>Next Hearing</b><br>Consent Calendar<br><b>Positions</b>                         | <b>Redevelopment</b><br><br><b>Bill Summary</b><br>Changes provisions relating to the functions to be performed by the entity assuming the housing functions of the former redevelopment agency to instead refer to the housing successor. Regards the use of funds in the Low and Moderate Income Housing Asset Fund shall be used in accordance with the Community Redevelopment Law. Authorizes the uses of income received by a housing successor. Requires the transfer of all non-used funds to the Multifamily Housing or Joe Serna Jr. Farmworker Housing Grant programs.<br><br><b>Party</b><br>D                    | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Appropriations on 04/30/2013. Do pass (7-0) on 04/29/2013. To Third Reading File on 04/30/2013. From Senate: Passed (34-0) to Assembly on 05/06/2013. To Assembly Committees on Housing & Community Development and Local Government on 05/20/2013. Author's amendments, re-referred to Housing & Community Development on 05/30/2013. From Housing & Community Development: Do pass (7-0) to Local Government on 06/19/2013. From Local Government: Do pass (9-0) to Appropriations on 06/26/2013. From Appropriations: Do pass, to Consent Calendar on 08/14/2013. |
| <b>FINANCE: TAX CREDIT</b><br><br><b>SB 365</b><br><b>Author</b><br>Wolk<br><b>Location</b><br>Assembly<br><b>Next Hearing</b><br>Third Reading File<br><b>Positions</b>                              | <b>Income and Corporation taxes: Credits: Information</b><br><br><b>Bill Summary</b><br>Requires any bill that would authorize a personal income or corporation tax credit to contain specified goals and objectives that the tax credit will achieve, detailed performance indicators to measure whether the tax credit is meeting those objectives, and a requirement that the credit cease to be operative by a specified date.<br><br><b>Party</b><br>D   | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Governance & Finance: Do pass (5-2) on 04/10/2013. From Senate: Passed (22-11) to Assembly on 04/22/2013. To Assembly Committee on Revenue & Taxation on 05/09/2013. From Revenue & Taxation: Do pass (5-2) on 06/24/2013.   |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)  
Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

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| <p><b>AFFORDABLE HOUSING</b></p> <p><b>SB 391</b></p> <p><b>Author</b><br/>DeSaulnier</p> <p><b>Location</b><br/>Assembly: A</p> <p><b>Next Hearing</b></p> <p><b>Positions</b><br/>CA League: Support</p> | <p><b>State Homes and Jobs Act of 2013</b></p> <p><b>Bill Summary</b><br/>Enacts the California Homes and Jobs Act of 2013. Imposes a fee to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. Requires that revenues sent quarterly to the Department of Housing and Community Development for deposit in a related fund. Provides that fund moneys expended for supporting affordable housing, administering housing programs and the cost of periodic audits. Requires prevailing wage monitoring and enforcement.</p> <p><b>Party</b><br/>D</p>    | <p><b>STATUS:</b> Passed to ASSEMBLY</p> <p><b>Recent Activity</b><br/>From Appropriations: Not heard on 05/06/2013. Author's amendments, re-referred to Appropriations on 05/07/2013. From Appropriations: To Suspense File on 05/13/2013. Author's amendments, re-referred to Appropriations on 05/20/2013. From Appropriations: Do pass (5-2) on 05/23/2013. From Senate: Passed (27-12) to Assembly on 05/29/2013. To Assembly Committees on Housing &amp; Community Development and Labor &amp; Employment on 06/14/2013. Author's amendments, re-referred to Housing &amp; Community Development on 08/08/2013. From Housing &amp; Community Development: Do pass (4-2) to Labor &amp; Employment on 08/12/2013. From Labor &amp; Employment: Do pass to Appropriations on 08/14/2013.</p> |
| <p><b>ECONOMIC DEVELOPMENT</b></p> <p><b>SB 470</b></p> <p><b>Author</b><br/>Wright</p> <p><b>Location</b><br/>Assembly: A</p> <p><b>Next Hearing</b></p> <p><b>Positions</b><br/>CA League: Support</p>   | <p><b>Community Development: Economic Opportunity</b></p> <p><b>Bill Summary</b><br/>Relates to community development and economic opportunity. Provides that economic opportunity includes certain agreements, purposes and projects. Relates to land use. Provides that before certain returned city, county, or city and county property is sold or leased for development, the sale or lease shall first be approved by the legislative body. Revises the definition of agency in specified provisions. Authorizes the remedy or removal of a hazardous substances release.</p> <p><b>Party</b><br/>D</p>                            | <p><b>STATUS:</b> Passed to ASSEMBLY</p> <p><b>Recent Activity</b><br/>From Appropriations: To Second Reading without further hearing on 05/20/2013. From Senate: Passed (36-0) to Assembly on 05/24/2013. To Assembly Committees on Housing &amp; Community Development and Local Government on 06/17/2013. From Housing &amp; Community Development: Do pass (5-2) to Local Government on 07/03/2013. Amended, re-referred to Local Government on 08/05/2013. From Local Government: Do pass to Appropriations on 08/14/2013.</p>  |
| <p><b>TRANSPORTATION</b></p> <p><b>SB 557</b></p> <p><b>Author</b><br/>Hill</p> <p><b>Location</b><br/>Assembly</p> <p><b>Next Hearing</b></p> <p><b>Positions</b></p>                                     | <p><b>High-Speed Rail</b></p> <p><b>Bill Summary</b><br/>Relates to existing law that appropriates specified funds from the High Speed Passenger Train Bond Fund and from federal funds for high-speed rail and connecting rail projects. Adds detail to provisions governing the expenditure of certain of those appropriated funds. Specifies that of the moneys appropriated for early high-speed rail improvement projects in the Budget Act of 2012, a specified amount shall be allocated solely for purposes of specified memoranda of understanding.</p> <p><b>Party</b><br/>D</p>   | <p><b>STATUS:</b> Passed to ASSEMBLY</p> <p><b>Recent Activity</b><br/>From Appropriations: To Second Reading without further hearing on 05/20/2013. From Senate: Passed (30-5) to Assembly on 05/24/2013. To Assembly Committee on Transportation on 06/17/2013. From Transportation: Do pass (13-2) to Appropriations on 07/01/2013. From Appropriations: Do pass on 08/14/2013.</p>   |
| <p><b>ECONOMIC DEVELOPMENT</b></p> <p><b>SB 592</b></p> <p><b>Author</b><br/>Price</p> <p><b>Location</b><br/>Assembly: A</p> <p><b>Next Hearing</b></p> <p><b>Positions</b></p>                           | <p><b>Trade Promotion of California Ports</b></p> <p><b>Bill Summary</b><br/>Requires the Director of the Governor's Office of Business and Economic Development to provide to the Legislature a strategy for promoting trade for California ports that, at a minimum includes specified information, objectives, goals and recommendations. Requires that the strategy be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate, with copies provided to the Speaker of the Assembly, the President pro Tempore of the Senate, and the chairs of specified legislative committees.</p> <p><b>Party</b><br/>D</p> | <p><b>STATUS:</b> Passed to ASSEMBLY</p> <p><b>Recent Activity</b><br/>From Appropriations: To Suspense File on 04/15/2013. From Appropriations: Do pass (7-0) on 05/23/2013. From Senate: Passed (38-0) to Assembly on 05/28/2013. To Assembly Committee on Jobs, Economic Development &amp; The Economy on 06/17/2013. Author's amendments, re-referred to Jobs, Economic Development &amp; The Economy on 06/25/2013. From Jobs, Economic Development &amp; The Economy: Do pass to Appropriations on 08/12/2013. Amended, re-referred to Appropriations on 08/13/2013.</p>   |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)

Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

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| <b>INFRASTRUCTURE FINANCING</b><br><br><b>SB 628</b><br><br><b>Author</b><br>Beall<br><br><b>Location</b><br>Senate<br><br><b>Next Hearing</b><br>Third Reading File<br><br><b>Positions</b>   | <b>Infrastructure Financing: Transit Priority Projects</b><br><br><b>Bill Summary</b><br>Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Requires a low-income housing replacement ordinance.<br><br><b>Party</b><br>D   | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Transportation & Housing: Do pass (7-3) on 05/07/2013. Amended on 05/14/2013. From Senate: Passed (24-11) to Assembly on 05/20/2013. To Assembly Committees on Local Government and Housing & Community Development on 06/03/2013. Author's amendments, re-referred to Local Government on 06/17/2013. From Local Government: Do pass (EDT) to Housing & Community Development on 06/26/2013. From Housing & Community Development: Do pass (4-2) on 07/03/2013. From Assembly: Passed (46-29), to Senate for concurrence on 08/08/2013. |
| <b>ENVIRONMENT</b><br><br><b>SB 633</b><br><br><b>Author</b><br>Pavley<br><br><b>Location</b><br>Assembly: A<br><br><b>Next Hearing</b><br><br><br><b>Positions</b>  | <b>CEQA</b><br><br><b>Bill Summary</b><br>Amends the California Environmental Quality Act. Specifies, for purposes of new information exception to the prohibition on requiring a subsequent or supplement environmental impact report, that a specified exception applies if new information was not known and could not have been known by the lead or any responsible agency at the time the report was certified as complete. Authorizes the development of guidelines to exempt projects involving minor temporary uses of land and public gatherings.<br><br><b>Party</b><br>D  | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Appropriations: To Suspense File on 05/20/2013. From Appropriations: Do pass (7-0) on 05/23/2013. From Senate: Passed (39-0) to Assembly on 05/30/2013. To Assembly Committee on Natural Resources on 06/17/2013. From Natural Resources: Do pass (9-0) to Appropriations on 07/01/2013. Amended, re-referred to Appropriations on 08/06/2013.   |
| <b>ENVIRONMENT</b><br><br><b>SB 731</b><br><br><b>Author</b><br>Steinberg<br><br><b>Location</b><br>Assembly: A<br><br><b>Next Hearing</b><br><br><br><b>Positions</b><br>SCAG: Work With Author<br>CA League: Watch<br>CSAC: Support in Concept<br>RCTC: Work With Author<br>SANBAG: Work With Author | <b>Environment: California Environmental Quality Act</b><br><br><b>Bill Summary</b><br>New section on thresholds of significance provides that the Governor's Office of Planning and Research (OPR) propose revisions to the CEQA Guidelines of thresholds of significance for noise, transportation, and parking impacts for residential, mixed use residential, or employment center projects within transit priority areas. Also provides that aesthetic impacts of a residential, mixed-use residential, or employment center projects shall not be considered significant impacts on the environment. Provides that the limitation period for filing lawsuits may be tolled for a period of four years. Provides that the lead agency prepare the record of proceedings concurrently with the administrative process and requires information to be posed to the website. Provides that a writ may direct an agency to revise only portions of the document found not to be in compliance. Provides that notices be made available in draft form for public review at least 15 days prior to the project, and also allow notice by email. Provides a new requirement for lead agencies to prepare and publish annual reports for every approved project, detailing compliance with CEQA mitigation measures. Includes the intent of the Legislature to provide the \$30 million in planning grant to local agencies to be allocated by the Strategic Growth Council. | <b>STATUS:</b> Passed to ASSEMBLY<br><br><b>Recent Activity</b><br>From Appropriations: To Suspense File on 05/20/2013. From Appropriations: Do pass (7-0) on 05/23/2013. From Senate: Passed (39-0) to Assembly on 05/29/2013. To Assembly Committees on Natural Resources and Local Government on 06/17/2013. From Natural Resources: Do pass (6-1) to Local Government on 07/01/2013. Amended, re-referred to Local Government on 08/06/2013. From Local Government: Do pass to Appropriations on 08/14/2013.   |

Assembly Committees: Accountability & Administrative Review (AAR) | Appropriations (A) | Budget (B) | Housing & Community Development (HCD) | Jobs, Economic Development & The Economy (JEDE) | Local Government (LG) | Natural Resources (NR) | Revenue & Taxation (R&T) | Transportation (T) | Utilities & Commerce (U&C) | Water, Parks & Wildlife (WP&W)  
 Senate Committees: Appropriations (A) | Business, Professions & Economic Development (BPED) | Education (EDU) | Elections & Constitutional Amendments (ECA) | Energy, Utilities & Communications (EUC) | Environmental Quality (EQ) | Governance & Finance (G&F) | Governmental Organization (GO) | Judiciary (J) | Labor & Industrial Relations (LIR) | Natural Resources & Water (NRW) | Rules (R) | Transportation & Housing (T&H)

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**GOVERNMENT:**  
**BROWN ACT**

**SB 751**

**Author**

Yee

**Location**

Senate

**Next Hearing**

Consent Calendar

**Positions**

CA League: Watch

CSAC: Watch

**Meetings: Publication of Action Taken**

**Bill Summary**

Amends the Ralph M. Brown Act that requires all meetings of the legislative body of a local agency to be open and public and prohibits that body from taking action by secret ballot, whether preliminary or final. Requires that the legislative body of a local agency to publicly report any action taken and the vote or abstention of that action of each member present for the action.

**Party**

D

**STATUS:** Passed to ASSEMBLY

**Recent Activity**

From Appropriations: To Suspense File on 05/13/2013. From Appropriations: To Second Reading without further hearing on 05/20/2013. To Special Consent Calendar on 05/22/2013. From Senate: Passed (39-0) to Assembly on 05/28/2013. To Assembly Committee on Local Government on 06/14/2013. Author's amendments, re-referred to Local Government on 06/17/2013. From Local Government: Do pass (9-0) to Appropriations on 06/26/2013. From Appropriations: Do pass (17-0), to Consent Calendar on 07/03/2013. From Assembly: Passed (77-0), to Senate for concurrence on